

CHAPTER 126 - ZONING

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Basic Provisions

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1.01 Title

This ordinance (Chapter 126 of the Birmingham City Code) shall be known as the Zoning Ordinance of the City of Birmingham and may also be cited and referred to as the "Zoning Ordinance".

1.02 Defined Words

Words used in a special sense in this Zoning Ordinance are defined in Article 9.

1.03 Authority

This Zoning Ordinance is adopted by the City pursuant to its authority under the laws of the State of Michigan, Chapter 125.36 Municipal Planning Commission. Whenever codes cited in this Zoning Ordinance refer to Michigan Code which has

been amended or superseded, this Zoning Ordinance shall be deemed amended in reference to the new or revised code.

1.04 Purpose

This Zoning Ordinance is intended to guide the growth and development of the City in accordance with the goals, objectives, and strategies stated within the Birmingham Master Plan and Downtown Birmingham 2016 Plan.

1.05 Compliance

- A. Except as otherwise provided in this Zoning Ordinance, no structure or land shall be used or occupied and no structure or part thereof shall be erected, moved or altered, except in conformity with the regulations specified in this Zoning Ordinance for the zoning district in which the structure or land is located.
- B. None of the provisions in this Zoning Ordinance shall be applicable to any property owned by the state or any state agency.
- C. Use regulations. Except as otherwise provided herein, regulations governing land and building use are hereby established and shown on the schedule of regulations which is incorporated in [Article 2](#).

1.06 Interpretation

- A. Application: The interpretation and application of the provisions in this Zoning Ordinance are the minimum requirements necessary to promote public health, morals, safety, comfort, convenience, or general welfare.
- B. Saving Provision: It is not intended by this Zoning Ordinance to repeal, abrogate, annul, or in any way impair or interfere with:
 - 1. Any existing provision of the law or ordinance, or
 - 2. Any rules, regulations, or permits previously adopted or issued, or
 - 3. Any rules, regulations, or permits which shall be adopted or issued pursuant to law.
- C. Conflicts: Where this Zoning Ordinance imposes a greater restriction than is required by other provisions of the law or ordinance, or by any rules, regulations or permits, the provisions of this Zoning Ordinance shall control.
- D. Text Supersedes Graphics: If there are found to be differences between the meaning or implication of any drawing, table, or figure, the text of this Zoning Ordinance shall apply.

1.07 Rules of Construction

The word "occupied" and the word "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

1.08 Establishment of an Administrative Officer

The provisions of the Zoning Ordinance shall be administered by the Building Official or his/her designee. The Building Official shall have the power to (1) grant Zoning Ordinance compliance permits (2) grant certificates of occupancy and use (3) and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of the Zoning Ordinance.

1.09 Effect of Annexation or Vacation on Zoning

Whenever any street, alley or other public way is vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

General Zoning Districts

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1.11 Labeling of Zoning Districts

1.12 Establishment of Overlay Districts

1.13 Unlisted Land Uses

1.10 Establishment of Zoning Districts

- A. Only those uses and development standards which are expressly permitted and noted for each district apply to that zoning district.
- B. For the purpose of this Zoning Ordinance, the City of Birmingham is divided into the following zoning districts:
1. PP – Public Property
 2. R1A – Single-Family Residential
 3. R1 – Single-Family Residential
 4. R2 – Single-Family Residential
 5. R3 – Single-Family Residential
 6. R4 – Two-Family Residential District
 7. R5 – Multiple-Family Residential District
 8. R6 – Multiple-Family Residential District
 9. R7 – Multiple-Family Residential District
 10. R8 – Attached Single-Family Residential District
 11. O1 – Office District
 12. O2 – Office/Commercial District
 13. P – Parking District
 14. B1 – Neighborhood Business District
 15. B2 – General Business District
 16. B2B – General Business District
 17. B2C – General Business District
 18. B3 – Office-Residential District
 19. B4 – Business-Residential District
 20. MX – Mixed Use District
 21. TZ1 – Transitional Zone 1 District
 22. TZ3 – Transitional Zone 3 District

1.11 Labeling of Zoning Districts

On the zoning map a zoning district shall be labeled using the one, two or three-digit code as noted above. The following are the appropriate labels for standard zoning districts: PP, R1A, R1, R2, R3, R4, R5, R6, R7, R8, O1, O2, P, B1, B2, B2B, B2C, B3, B4, MX, TZ1, and TZ3.

1.12 Establishment of Overlay Districts

- A. The overlay districts as noted below have been established to add additional and unique development standards which will better help the City of Birmingham accomplish the goals of the Downtown Birmingham 2016 Plan and the Triangle District Urban Design Plan. For the purpose of this Zoning Ordinance, the following overlay districts have been established.
1. Downtown Birmingham Overlay District
 - a. D2 – Downtown Two-Story Development Overlay
 - b. D3 Zone – Downtown Three-Story Development Overlay
 - c. D4 Zone – Downtown Four-Story Development Overlay
 - d. D5 Zone – Downtown Over Five-Story Development Overlay
 2. Triangle Overlay District
 - a. ASF3 – Attached Single-Family 3
 - b. MU3 – Mixed Use 3
 - c. MU5 – Mixed Use 5
 - d. MU7 – Mixed Use 7

1.13 Unlisted Land Uses

Any land use not specifically listed as a permitted use in [Article 2](#) in the columns labeled "Permitted Uses" or "Other Use Regulations" is considered Non-Permitted.

Zoning Map

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1.14 Establishment of the Zoning Map

1.15 Zoning Map Standards

1.16 Zoning Map Interpretation

1.14 Establishment of the Zoning Map

The boundaries of the zoning districts are established as shown on the zoning map dated July 14, 2008, as amended. The zoning map with all notations, references and other information shown thereon shall be a part of the Zoning Ordinance.

1.15 Zoning Map Standards

Unless otherwise shown, the boundaries of the zoning districts shall be lot lines, centerlines of streets, alleys, railroads or such lines extended, and the city limit line.

1.16 Zoning Map Interpretation

Where, due to the scale, lack of detail or illegibility of the zoning map, which is attached hereto, there is an uncertainty, contradiction or conflict as to the intended location of any zoning district boundary shown thereon, the exact location of the zoning district boundary line shall be determined by the Board of Zoning Appeals.

ARTICLE 2: ZONING DISTRICTS AND REGULATIONS

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2.04 R1A (Single-Family Residential) District Development Standards

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2.23 O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses

- 2.24 O2 (Office/Commercial) District Development Standards**
- 2.25 P (Parking) District Intent, Permitted Uses, and Special Uses**
- 2.26 P (Parking) District Development Standards**
- 2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses**
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- 2.32 B2B (General Business) District Development Standards**
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- 2.34 B2C (General Business) District Development Standards**
- 2.35 B3 (Office-Residential) District Intent, Permitted Uses, and Special Uses**
- 2.36 B3 (Office-Residential) District Development Standards**
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- 2.46 TZ3 (Transition Zone) District Development Standards**

2.01 PP (Public Property) District Intent, Permitted Uses, and Special Uses PP

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Institutional Permitted Uses
 - a. auditorium
 - b. cemetery
 - c. essential service
 - d. government office
 - e. government use
 - f. parking facility - off-street
 - g. school - private
 - h. school - public
2. Recreational Permitted Use
 - a. park
 - b. swimming pool - public
3. Other Permitted Uses
 - a. water tower
 - b. well
 - c. any use permitted in an adjacent district

C. Other Use Regulations

1. Accessory Permitted Uses

a. There are no accessory permitted uses permitted in this zoning district.

2. Uses Requiring a Special Land Use Permit

a. There are no special land uses permitted in this zoning district.

* = Use Specific Standards in Section 5.01 Apply

2.02 PP (Public Property) District Development Standards PP

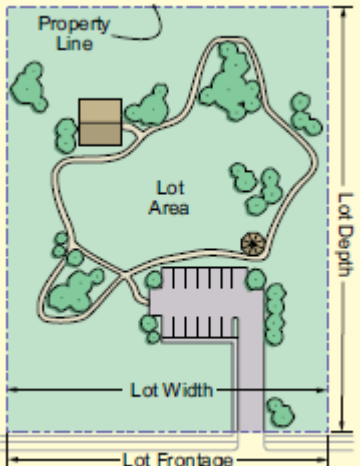
TABLE 2.02.1 - Lot Area (see Figure 2.02.1)		Figure 2.02.1 - Lot Area
Minimum Lot Area	NA	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

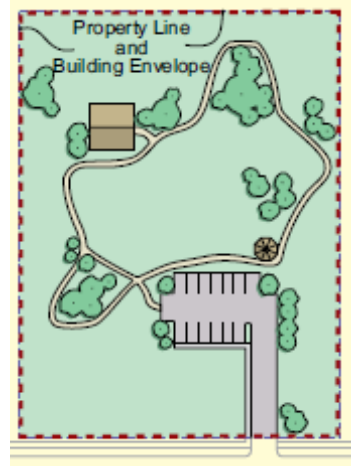
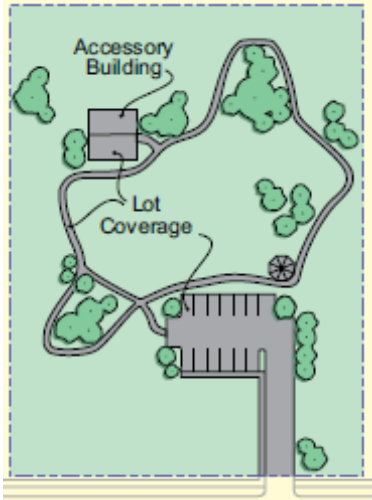
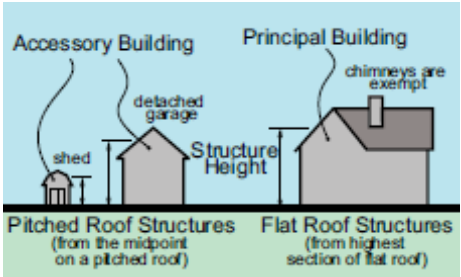
TABLE 2.02.2 – Setbacks (see Figure 2.02.2)		Figure 2.02.2 - Setbacks
Minimum Front Yard Setback	NA	
Minimum Rear Yard Setback	NA	
Minimum Combined Front and Rear Setback	NA	
Minimum Side Yard Setback	NA	

TABLE 2.02.3 - Floor Area (see Figure 2.02.3)		Figure 2.02.3 - Floor Area
Minimum Floor Area Per Unit	NA	

<p>Maximum Total Floor Area</p>	<p>NA</p>	 <p>The diagram shows a green lot with a dashed yellow boundary. An 'Accessory Building' is shown as a grey rectangle in the upper left. A larger grey structure with a ramp is shown in the lower right. A line indicates the 'Lot Coverage' area. Trees and a driveway are also depicted.</p>
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<p>TABLE 2.02.4 - Maximum Building Height (see Figure 2.02.4)</p>		<p>Figure 2.02.4 - Building Height</p>
<p>NA</p>		 <p>The diagram shows two buildings. The left one is a 'Pitched Roof Structure' with a 'shed' and a 'detached garage'. The right one is a 'Principal Building' with 'chimneys are exempt'. Vertical lines indicate 'Structure Height' for both. Below the diagram, it specifies: 'Pitched Roof Structures (from the midpoint on a pitched roof)' and 'Flat Roof Structures (from highest section of flat roof)'.</p>

<p>Additional Development Standards that Apply</p>		
<p>Essential Services (ES) ▪ ES-01 - Sec. 4.09</p>	<p>Temporary Use (TU) ▪ TU-02 - Sec. 4.85</p>	<p>Utility (UT) ▪ UT-01 - Sec. 4.88</p>

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2.03 R1A (Single-Family Residential) District Intent, Permitted Uses, and Special Uses R1A

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home](#)
 - b. dwelling - one-family
 - c. single-family cluster*
2. Institutional Permitted Uses
 - a. [government office](#)
 - b. [school](#) - public
3. Recreational Permitted Uses
 - a. [park](#)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. [family day care home](#)*
 - b. garage - private
 - c. greenhouse - private

- d. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. sign
- i. swimming pool - private
- j. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community
- c. independent hospice facility
- d. independent senior living
- e. medical rehabilitation facility
- f. parking (accessory) - public, off-street
- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school - private
- l. skilled nursing facility

* = Use Specific Standards in Section 5.02 Apply

(Ord. No. 2272, 10/08/2018)

Effective on: 12/23/2018

2.04 R1A (Single-Family Residential) District Development Standards R1A

TABLE 2.04.1 - Lot Area (see Figure 2.04.1)		Figure 2.04.1 - Lot Area
Minimum Lot Area	20,000 sq ft per unit	
Minimum Open Space	40%	
Maximum Lot Coverage	30%	

TABLE 2.04.2 – Setbacks (see Figure 2.04.2)		Figure 2.04.2 - Setbacks
Minimum Front Yard Setback	average of homes within 200 feet, if no homes within 200 feet, then 25 feet	
Minimum Rear Yard Setback	30 feet	

Minimum Combined Front and Rear Setback	55 feet
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 9 feet or 10% of total lot width whichever is larger for one side yard • 14 feet or 25% of total lot width whichever is larger for both side yards • no side yard shall be less than 5 feet

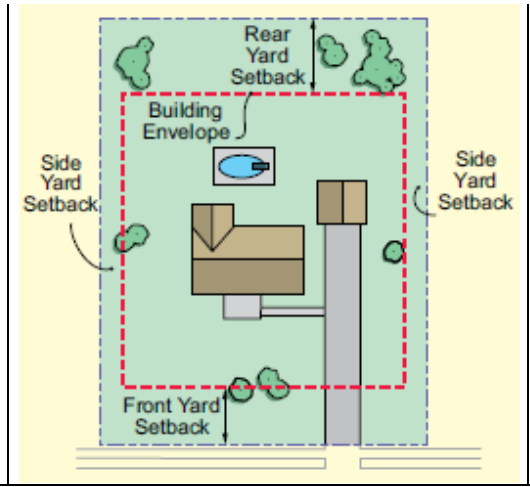


TABLE 2.04.3 - Floor Area (see Figure 2.04.3)	
Minimum Floor Area Per Unit	1,500 sq ft
Maximum Total Floor Area	NA

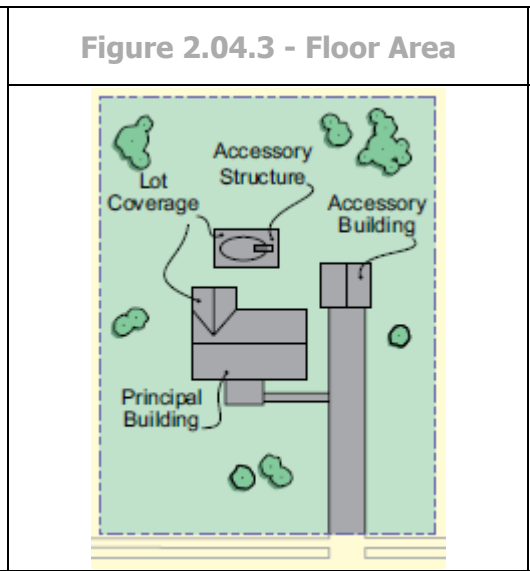
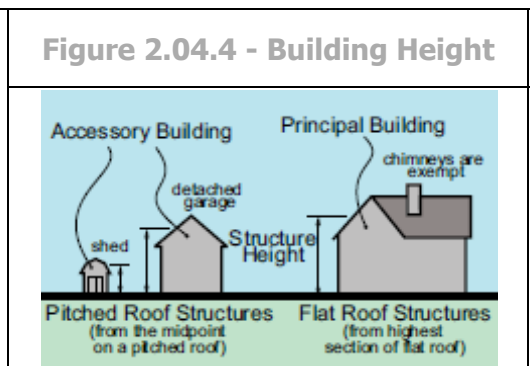


TABLE 2.04.4 - Maximum Building Height (see Figure 2.04.4)	
Lots > 9,000 sq. ft. in Area: 30 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.	
Lots < 9,000 sq. ft. in Area: 28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.	



Additional Development Standards that Apply

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-02 - Sec. 4.03 <p>Drainage (DN)</p> <ul style="list-style-type: none"> • DN-01 - Sec. 4.08 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 • FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 • FP-02 - Sec. 4.14 	<p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 • OS-02 - Sec. 4.31 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 • SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-02 - Sec. 4.75 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89

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2.05 R1 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses R1

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home](#)
 - b. dwelling - one-family
 - c. single-family cluster*
2. Institutional Permitted Uses
 - a. [government office](#)
 - b. [school](#) - public
3. Recreational Permitted Uses
 - a. [park](#)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. [family day care home](#)*
 - b. garage - private
 - c. greenhouse - private
 - d. home occupation*
 - e. [parking](#) facility - private off-street
 - f. parking - public, off-street*
 - g. renting of rooms*
 - h. [sign](#)
 - i. swimming pool - private
 - j. any use customarily incidental to the permitted [principal use](#)
2. Uses Requiring a Special Land Use Permit
 - a. [assisted living](#)
 - b. continued care retirement community
 - c. independent [hospice](#) facility
 - d. [independent senior living](#)
 - e. [medical rehabilitation facility](#)
 - f. parking (accessory) - public, off-street

- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school - private
- l. skilled nursing facility

* = Use Specific Standards in Section 5.02 Apply

(Ord. No. 2273, 10/08/2018)

Effective on: 12/23/2018

2.06 R1 (Single-Family Residential) District Development Standards R1

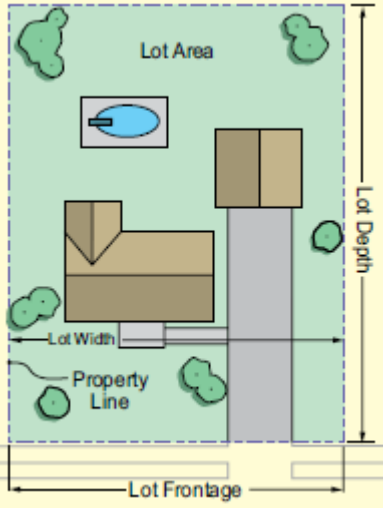
TABLE 2.06.1 - Lot Area (see Figure 2.06.1)		Figure 2.06.1 - Lot Area
Minimum Lot Area	9,000 sq ft per unit	
Minimum Open Space	40%	
Maximum Lot Coverage	30%	

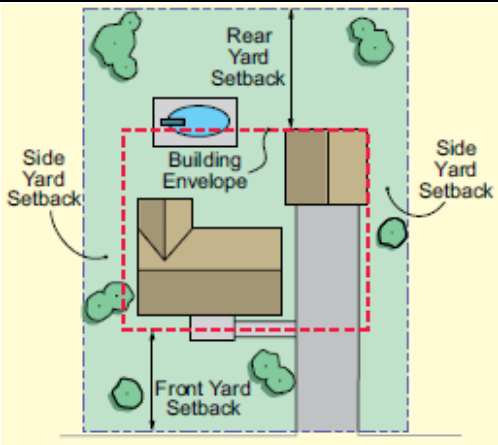
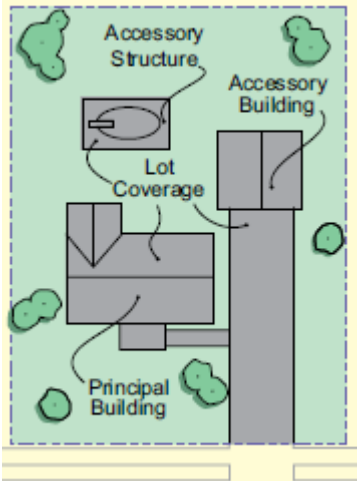
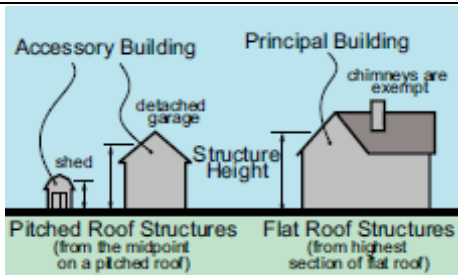
TABLE 2.06.2 – Setbacks (see Figure 2.06.2)		Figure 2.06.2 - Setbacks
Minimum Front Yard Setback	average of homes within 200 feet, if no homes within 200 feet, then 25 feet	
Minimum Rear Yard Setback	30 feet	
Minimum Combined Front and Rear Setback	55 feet	
Minimum Side Yard Setback	<ul style="list-style-type: none"> 9 feet or 10% of total lot width whichever is larger for one side yard 14 feet or 25% of total lot width whichever is larger for both side yards no side yard shall be less than 5 feet 	

TABLE 2.06.3 - Floor Area (see Figure 2.06.3)		Figure 2.06.3 - Floor Area
Minimum Floor Area Per Unit	1,500 sq ft	

<p>Maximum Total Floor Area</p>	<p>NA</p>	
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<p align="center">TABLE 2.06.4 - Maximum Building Height (see Figure 2.06.4)</p> <p>Lots > 9,000 sq. ft. in Area: 30 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.</p> <p>Lots < 9,000 sq. ft. in Area: 28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; 24 feet for eaves.</p>	<p align="center">Figure 2.06.4 - Building Height</p> 
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<p align="center">Additional Development Standards that Apply</p>		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-01 - Sec. 4.02 AS-02 - Sec. 4.03 <p>Drainage (DN)</p> <ul style="list-style-type: none"> DN-01 - Sec. 4.08 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 FP-02 - Sec. 4.14 	<p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 <p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 OS-02 - Sec. 4.31 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 <p>Screening (SC)</p> <ul style="list-style-type: none"> SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 SS-02 - Sec. 4.75 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89

Illustrations in this section are © 2004/2006, Bradley E. Johnson, AICP

2.07 R2 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses R2

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home](#)
 - b. dwelling - one-family
 - c. single-family cluster*
2. Institutional Permitted Uses

a. government office

b. school - public

3. Recreational Permitted Uses

a. park

C. Other Use Regulations

1. Accessory Permitted Uses

a. family day care home*

b. garage - private

c. greenhouse - private

d. home occupation*

e. parking facility - private off-street

f. parking - public, off-street*

g. renting of rooms*

h. sign

i. swimming pool - private

j. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

a. assisted living

b. continued care retirement community

c. independent hospice facility

d. independent senior living

e. medical rehabilitation facility

f. parking (accessory) - public, off-street

g. philanthropic use

h. public utility building

i. publicly owned building

j. religious institution

k. school - private

l. skilled nursing facility

* = Use Specific Standards in Section [5.02](#) Apply

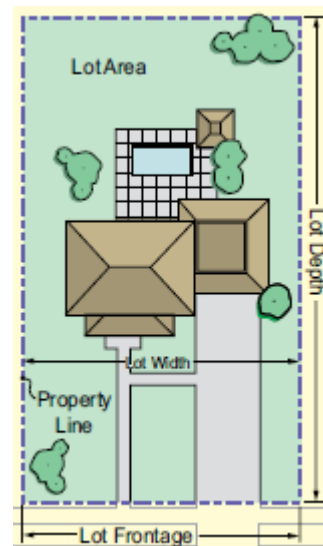
(Ord. No. [2274](#), 10/08/2018)

Effective on: 12/23/2018

2.08 R2 (Single-Family Residential) District Development Standards R2

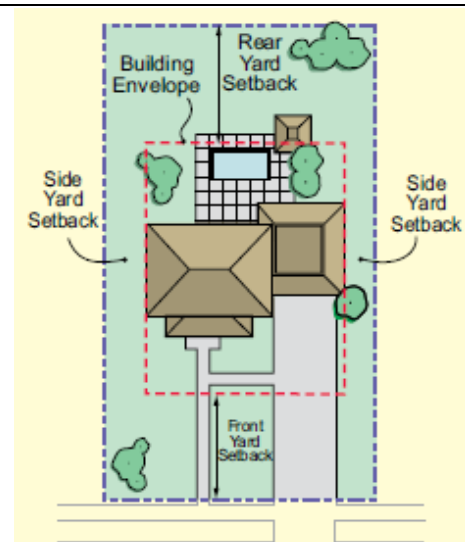
TABLE 2.08.1 - Lot Area (see Figure 2.08.1)		Figure 2.08.1 - Lot Area
Minimum Lot Area	6,000 sq ft per unit	
Minimum Open Space	40%	

<p>Maximum Lot Coverage</p>	<p>30%</p>
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<p>TABLE 2.08.2 – Setbacks (see Figure 2.08.2)</p>	
<p>Minimum Front Yard Setback</p>	<p>average of homes within 200 feet, if no homes within 200 feet, then 25 feet</p>
<p>Minimum Rear Yard Setback</p>	<p>30 feet</p>
<p>Minimum Combined Front and Rear Setback</p>	<p>55 feet</p>
<p>Minimum Side Yard Setback</p>	<ul style="list-style-type: none"> • 9 feet or 10% of total lot width whichever is larger for one side yard • 14 feet or 25% of total lot width whichever is larger for both side yards • no side yard shall be less than 5 feet

Figure 2.08.2 - Setbacks



<p>TABLE 2.08.3 - Floor Area (see Figure 2.08.3)</p>	
<p>Minimum Floor Area Per Unit</p>	<ul style="list-style-type: none"> • 1,000 sq ft (one story) • 1,200 sq ft (> one story)
<p>Maximum Total Floor Area</p>	<p>NA</p>

Figure 2.08.3 - Floor Area

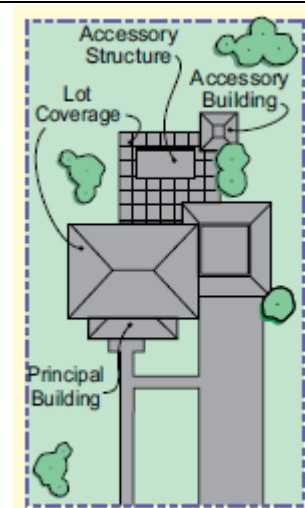
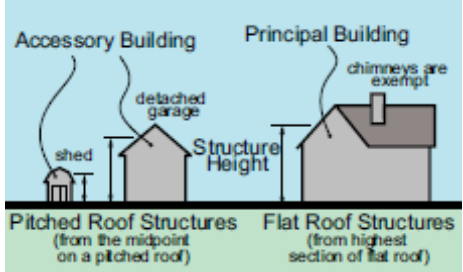


TABLE 2.08.4 - Maximum Building Height (see Figure 2.08.4)	Figure 2.08.4 - Building Height
Lots > 9,000 sq. ft. in Area: 30 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.	
Lots 6,000 sq. ft. - 9,000 sq. ft. in Area: 28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.	
Lots < 6,000 sq. ft. in Area: 26 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.	

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-01 - Sec. 4.02 AS-02 - Sec. 4.03 <p>Drainage (DN)</p> <ul style="list-style-type: none"> DN-01 - Sec. 4.08 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 FP-02 - Sec. 4.14 	<p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 <p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 OS-02 - Sec. 4.31 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 <p>Screening (SC)</p> <ul style="list-style-type: none"> SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 SS-02 - Sec. 4.75 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89

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2.09 R3 (Single-Family Residential) District Intent, Permitted Uses, and Special Uses R3

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home](#)
 - b. dwelling - one-family
2. Institutional Permitted Uses
 - a. [government office](#)
 - b. [school](#) - public
3. Recreational Permitted Uses
 - a. [park](#)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. [family day care home*](#)
 - b. garage - private
 - c. greenhouse - private
 - d. home occupation*
 - e. [parking](#) facility - private off-street
 - f. parking - public, off-street*
 - g. renting of rooms*

- h. sign
- i. swimming pool - private
- j. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. continued care retirement community
- c. independent hospice facility
- d. independent senior living
- e. medical rehabilitation facility
- f. parking (accessory) - public, off-street
- g. philanthropic use
- h. public utility building
- i. publicly owned building
- j. religious institution
- k. school - private
- l. skilled nursing facility

* = Use Specific Standards in Section 5.02 Apply

(Ord. No. 2275, 10/08/2018)

Effective on: 12/23/2018

2.10 R3 (Single-Family Residential) District Development Standards R3

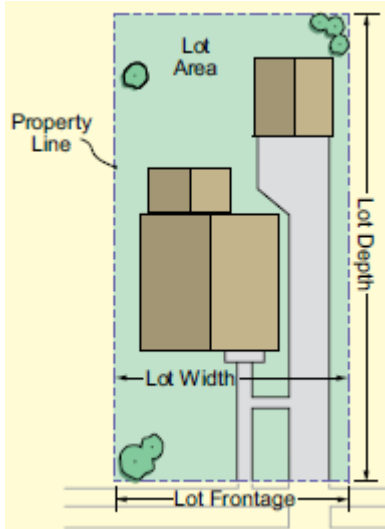
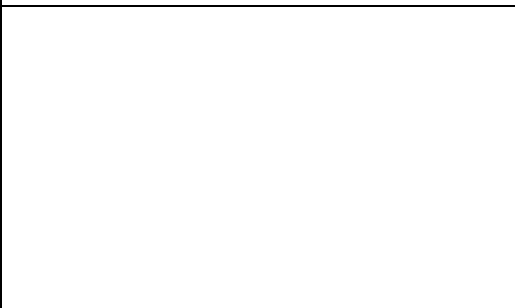
TABLE 2.10.1 - Lot Area (see Figure 2.10.1)		Figure 2.10.1 - Lot Area
Minimum Lot Area	4,500 sq ft per unit	 <p>The diagram illustrates a rectangular lot with a dashed green border representing the 'Property Line'. Inside the lot, there are several brown rectangular shapes representing buildings. A horizontal double-headed arrow at the bottom indicates 'Lot Width'. A vertical double-headed arrow on the right side indicates 'Lot Depth'. A horizontal double-headed arrow at the bottom indicates 'Lot Frontage'. The area within the property line is labeled 'Lot Area'.</p>
Minimum Open Space	40%	
Maximum Lot Coverage	30%	

TABLE 2.10.2 – Setbacks (see Figure 2.10.2)		Figure 2.10.2 - Setbacks
Minimum Front Yard Setback	average setback of homes within 200 feet, if no homes within 200 feet, then 25 feet	 <p>The diagram shows a lot with a dashed green property line. It illustrates the setbacks for buildings (represented by brown rectangles) from the property lines. The front setback is the distance from the front property line to the front of the building. The rear setback is the distance from the rear property line to the back of the building. The combined front and rear setback is the total distance from the front property line to the back of the building.</p>
Minimum Rear Yard Setback	30 feet	
Minimum Combined Front and Rear Setback	55 feet	

Minimum Side Yard Setback	<ul style="list-style-type: none"> 9 feet or 10% of total lot width whichever is larger for one side yard 14 feet or 25% of total lot width whichever is larger for both side yards no side yard shall be less than 5 feet
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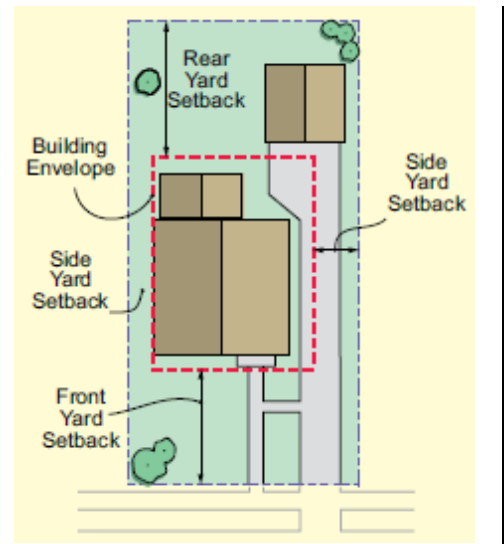


TABLE 2.10.3 - Floor Area (see Figure 2.10.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> 800 sq ft (one story) 1,000 sq ft (> one story)
Maximum Total Floor Area	NA

Figure 2.10.3 - Floor Area

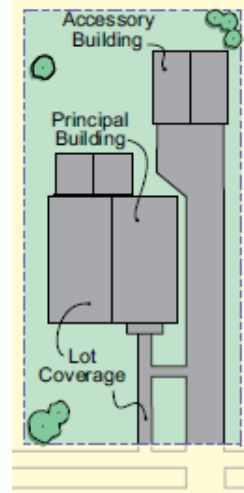
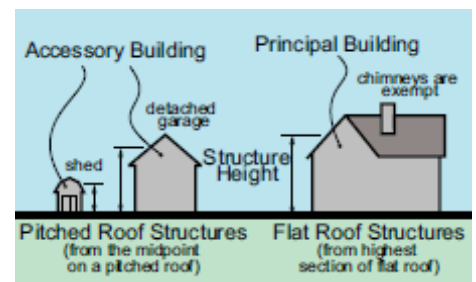


TABLE 2.10.4 - Maximum Building Height (see Figure 2.10.4)	
Lots > 6,000 sq. ft. in Area:	28 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.
Lots 4,500 sq. ft. – 6,000 sq. ft. in Area:	26 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.
Lots < 4,500 sq. ft. in Area:	24 feet to midpoint for sloped roofs; 24 feet for flat roofs only; 2 stories; and 24 feet for eaves.

Figure 2.10.4 - Building Height



Additional Development Standards that Apply

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-02 - Sec. 4.03 <p>Drainage (DN)</p> <ul style="list-style-type: none"> • DN-01 - Sec. 4.08 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 • FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 • FP-02 - Sec. 4.14 	<p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 • OS-02 - Sec. 4.31 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 • SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-02 - Sec. 4.75 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89

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2.11 R4 (Two-Family Residential) District Intent, Permitted Uses, and Special Uses R4

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home](#) (R3)
 - b. dwelling - one-family (R3)
 - c. dwelling - two-family
2. Institutional Permitted Uses
 - a. [government office](#) (R3)
 - b. [philanthropic use](#)
 - c. [school – public](#) (R3)
3. Recreational Permitted Uses
 - a. [park](#) (R3)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. garage - private
 - b. greenhouse - private
 - c. home occupation*
 - d. [parking facility](#) - private off-street
 - e. parking - public, off-street*
 - f. renting of rooms*
 - g. [sign](#)
 - h. swimming pool - private
 - i. any use customarily incidental to the permitted [principal use](#)
2. Uses Requiring a Special Land Use Permit
 - a. [assisted living](#)
 - b. continued care retirement community
 - c. independent [hospice facility](#)
 - d. [independent senior living](#)
 - e. parking (accessory) - public, off-street
 - f. philanthropic use

- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility

* = Use Specific Standards in Section 5.03 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2276, 10/08/2018)

Effective on: 12/23/2018

2.12 R4 (Two-Family Residential) District Development Standards R4

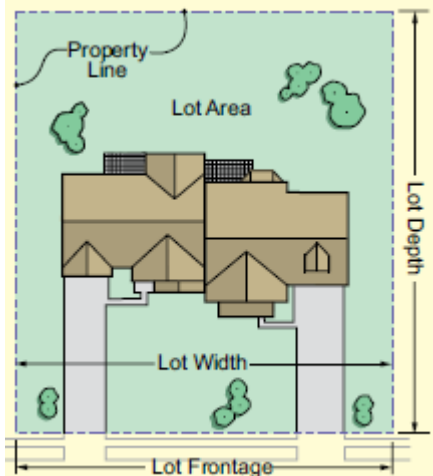
TABLE 2.12.1 - Lot Area (see Figure 2.12.1)		Figure 2.12.1 - Lot Area
Minimum Lot Area	3,000 sq ft per unit	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

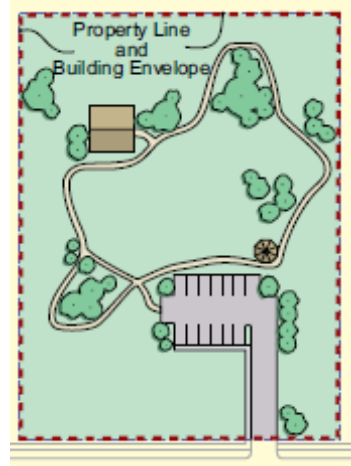
TABLE 2.12.2 – Setbacks (see Figure 2.12.2)		Figure 2.12.2 - Setbacks
Minimum Front Yard Setback	25 feet	
Minimum Rear Yard Setback	30 feet	
Minimum Combined Front and Rear Setback	NA	
Minimum Side Yard Setback	<ul style="list-style-type: none"> 9 feet or 10% of total lot width whichever is larger for one side yard 14 feet or 25% of total lot width whichever is larger for both side yards 10 feet for one side yard when lot width is >100 feet 25 feet for both side yards when lot width is >100 feet no side yard shall be less than 5 feet 	

TABLE 2.12.3 - Floor Area (see Figure 2.12.3)	Figure 2.12.3 - Floor Area
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Minimum Floor Area Per Unit	800 sq ft (one story)
Maximum Total Floor Area	40% of lot area

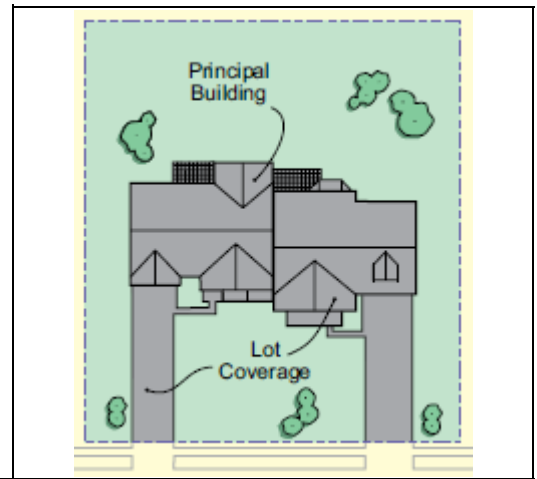
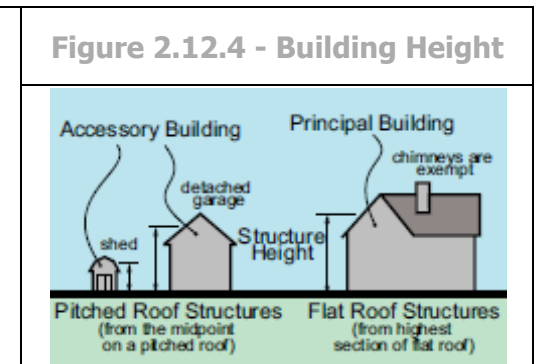


TABLE 2.12.4 - Maximum Building Height (see Figure 2.12.4)	
<ul style="list-style-type: none"> • 35 feet • 2.5 Stories 	



Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-02 - Sec. 4.03 • AS-03 - Sec. 4.04 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 • FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 • FP-02 - Sec. 4.14 	<p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 • SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89

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2.13 R5 (Multiple-Family Residential) District Intent, Permitted Uses, & Special Uses R5

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home (R4)
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R4)
 - d. dwelling - two-family (R4)

- 2. Institutional Permitted Uses
 - a. government office (R4)
 - b. philanthropic use (R4)
 - c. school – public (R4)
- 3. Recreational Permitted Uses
 - a. park (R4)

C. Other Use Regulations

- 1. Accessory Permitted Uses
 - a. garage - private
 - b. greenhouse - private
 - c. home occupation*
 - d. parking facility - private off-street
 - e. parking - public, off-street*
 - f. renting of rooms*
 - g. sign
 - h. swimming pool - private
 - i. any use customarily incidental to the permitted principal use
- 2. Uses Requiring a Special Land Use Permit
 - a. assisted living
 - b. continued care retirement community
 - c. independent hospice facility
 - d. independent senior living
 - e. parking (accessory) - public, off-street
 - f. philanthropic use
 - g. public utility building
 - h. publicly owned building
 - i. religious institution
 - j. school - private
 - k. skilled nursing facility

* = Use Specific Standards in Section [5.03](#) Apply

() = Subject to Regulations of the Specified District

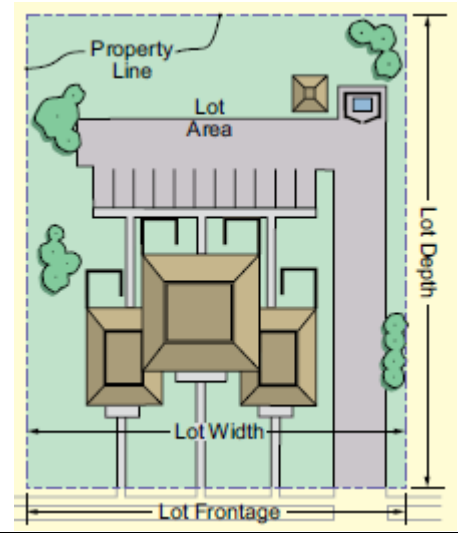
(Ord. No. [2277](#), 10/08/2018)

Effective on: 12/23/2018

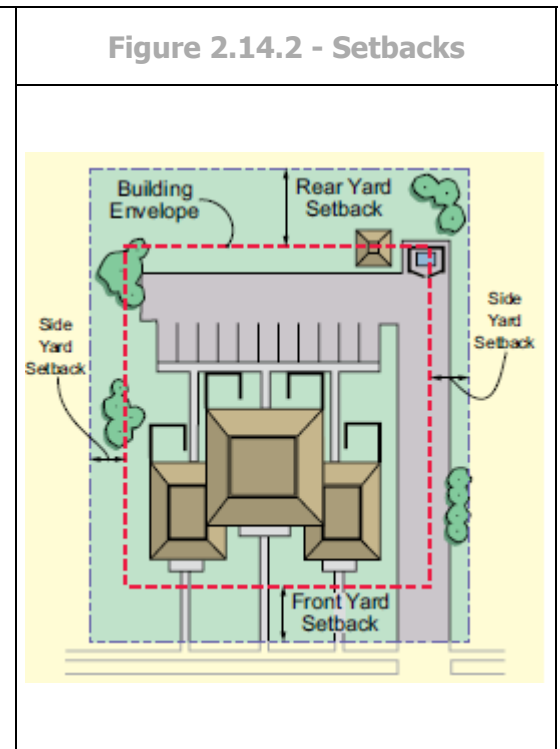
2.14 R5 (Multiple-Family Residential) District Development Standards R5

TABLE 2.14.1 - Lot Area (see Figure 2.14.1)		Figure 2.14.1 - Lot Area
Minimum Lot Area	<ul style="list-style-type: none"> 1,500 sq ft (one bedroom) 2,000 sq ft (two bedroom) 2,500 sq ft (three or more bedrooms) 	
Minimum Open Space	NA	

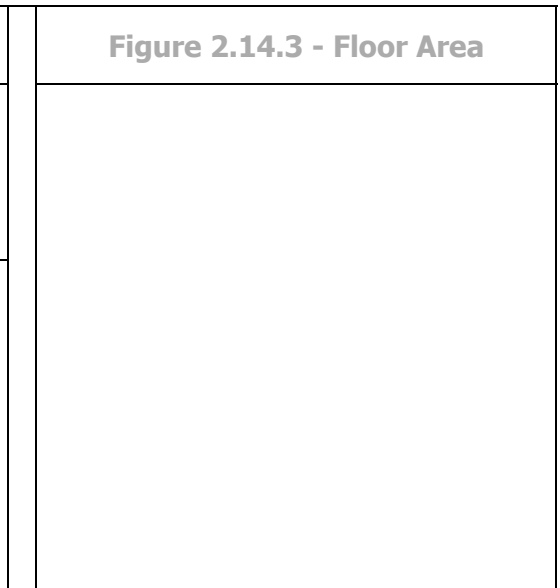
<p>Maximum Lot Coverage</p>	<p>NA</p>
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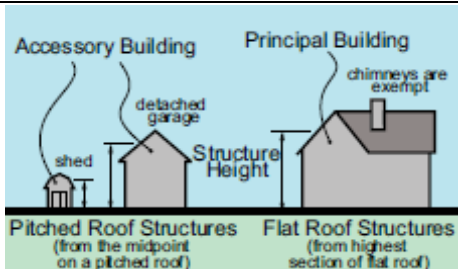
<p>TABLE 2.14.2 – Setbacks (see Figure 2.14.2)</p>	
<p>Minimum Front Yard Setback</p>	<p>25 feet</p>
<p>Minimum Rear Yard Setback</p>	<p>30 feet</p>
<p>Minimum Combined Front and Rear Setback</p>	<p>NA</p>
<p>Minimum Side Yard Setback</p>	<ul style="list-style-type: none"> • 9 feet or 10% of total lot width whichever is larger for one side yard • 14 feet or 25% of total lot width whichever is larger for both side yards • 10 feet for one side yard when lot width is >100 feet • 25 feet for both side yards when lot width is >100 feet • no side yard shall be less than 5 feet



<p>TABLE 2.14.3 - Floor Area (see Figure 2.14.3)</p>	
<p>Minimum Floor Area Per Unit</p>	<ul style="list-style-type: none"> • 600 sq ft (one bedroom) • 800 sq ft (two bedroom) • 1,000 sq ft (three or more bedrooms)



<p>Maximum Total Floor Area</p>	<p>40% of lot area</p>	
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<p>TABLE 2.14.4 - Maximum Building Height (see Figure 2.14.4)</p>		<p>Figure 2.14.4 - Building Height</p>
<p>30 feet</p>		
<p>2 stories</p>		

<p>Additional Development Standards that Apply</p>		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-01 - Sec. 4.02 AS-02 - Sec. 4.03 AS-03 - Sec. 4.04 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 FN-02 - Sec. 4.11 FN-03 - Sec. 4.12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 FP-03 - Sec. 4.15 <p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 HT-02 - Sec. 4.17 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> LA-01 - Sec. 4.20 <p>Lighting (LT)</p> <ul style="list-style-type: none"> LT-01 - Sec. 4.21 LT-02 - Sec. 4.22 <p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 PK-03 - Sec. 4.47 	<p>Screening (SC)</p> <ul style="list-style-type: none"> SC-01 - Sec. 4.54 <p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89

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2.15 R6 (Multiple-Family Residential) District Intent, Permitted Uses, & Special Uses R6

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home (R5)

- b. dwelling - multiple-family (R5)
- c. dwelling - one-family (R5)
- d. dwelling - two-family (R5)

2. Institutional Permitted Uses

- a. government office (R5)
- b. philanthropic use (R5)
- c. school – public (R5)

3. Recreational Permitted Uses

- a. park (R5)
- b. swimming pool - semiprivate (R5)

C. Other Use Regulations

1. Accessory Permitted Uses

- a. garage - private
- b. greenhouse - private
- c. home occupation*
- d. parking facility - private off-street
- e. parking - public, off-street*
- f. renting of rooms*
- g. sign
- h. swimming pool - private
- i. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. community center
- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. philanthropic use
- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility
- l. social club

* = Use Specific Standards in Section 5.04 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2278, 10/08/2018)

Effective on: 12/23/2018

2.16 R6 (Multiple-Family Residential) District Development Standards R6

TABLE 2.16.1 - Lot Area (see Figure 2.16.1)		Figure 2.16.1 - Lot Area
Minimum Lot Area	<ul style="list-style-type: none"> 1,375 sq ft (one bedroom) 1,750 sq ft (two bedroom) 2,250 sq ft (three or more bedrooms) 	

Minimum Open Space	NA
Maximum Lot Coverage	NA

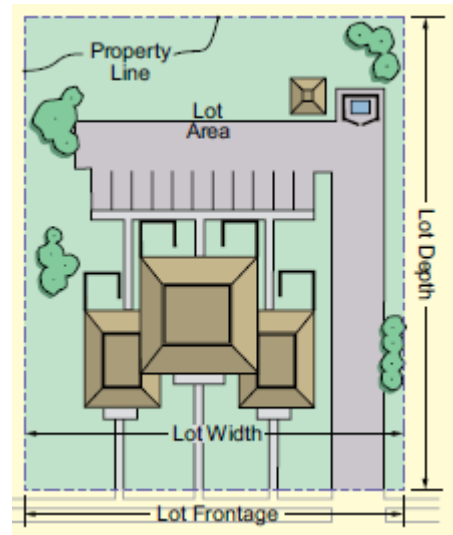


TABLE 2.16.2 – Setbacks (see Figure 2.16.2)	
Minimum Front Yard Setback	25 feet
Minimum Rear Yard Setback	30 feet
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 9 feet or 10% of total lot width whichever is larger for one side yard • 14 feet or 25% of total lot width whichever is larger for both side yards • 10 feet for one side yard when lot width is >100 feet • 25 feet for both side yards when lot width is >100 feet • no side yard shall be less than 5 feet

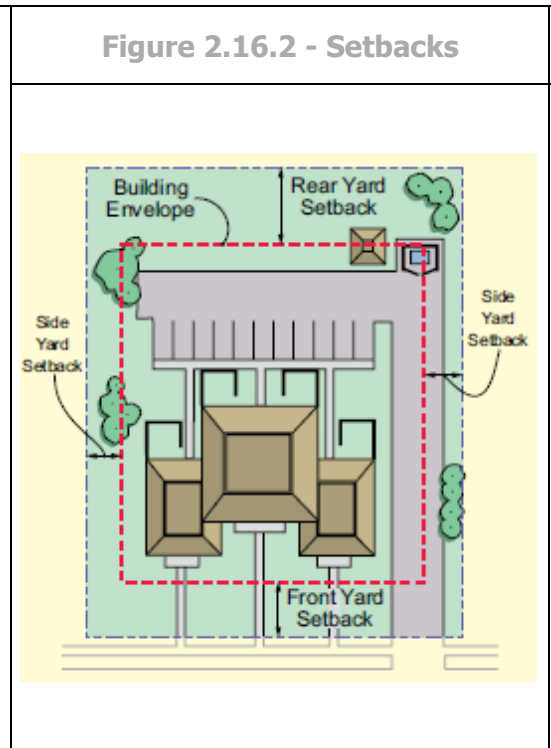
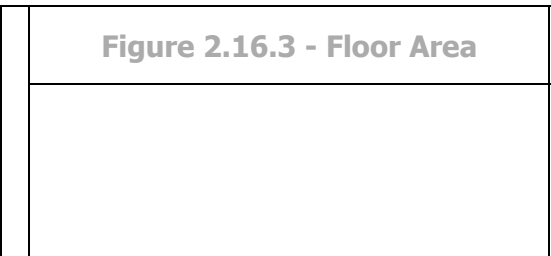


TABLE 2.16.3 - Floor Area (see Figure 2.16.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 600 sq ft (one bedroom) • 800 sq ft (two bedroom) • 1,000 sq ft (three or more bedrooms)



Maximum Total Floor Area	NA
---------------------------------	----

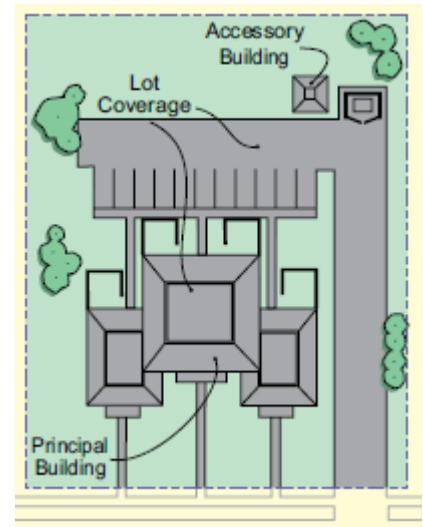
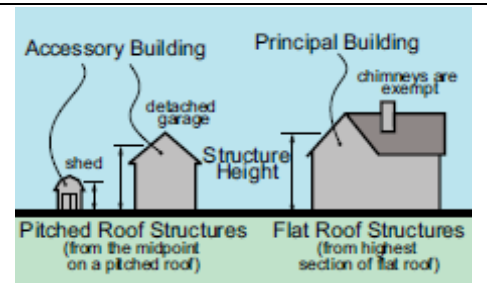


TABLE 2.16.4 - Maximum Building Height (see Figure 2.16.4)	
40 feet	
3 stories	

Figure 2.16.4 - Building Height



Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-01 - Sec. 4.02 AS-02 - Sec. 4.04 AS-03 - Sec. 4.10 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 FP-03 - Sec. 4.15 <p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 HT-02 - Sec. 4.17 	<p>Landscaping (LA)</p> <ul style="list-style-type: none"> LA-01 - Sec. 4.20 <p>Lighting (LT)</p> <ul style="list-style-type: none"> LT-01 - Sec. 4.21 LT-02 - Sec. 4.22 <p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 OS-03 - Sec. 4.32 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 PK-03 - Sec. 4.47 	<p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89 <p>Screening (SC)</p> <ul style="list-style-type: none"> SC-01 - Sec. 4.54

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2.17 R7 (Multiple-Family Residential) District Intent, Permitted Uses, & Special Uses R7

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home (R6)

- b. dwelling - multiple-family (R6)
- c. dwelling - multiple-family
- d. dwelling - one-family (R6)
- e. dwelling - two-family (R6)

2. Institutional Permitted Uses

- a. government office (R6)
- b. philanthropic use (R6)
- c. school – public (R6)

3. Recreational Permitted Uses

- a. park (R6)
- b. swimming pool - semiprivate (R6)

C. Other Use Regulations

1. Accessory Permitted Uses

- a. garage - private
- b. greenhouse - private
- c. home occupation*
- d. parking facility - private off-street
- e. parking - public, off-street*
- f. renting of rooms*
- g. sign
- h. swimming pool - private
- i. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. community center
- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. parking - off-street
- g. public utility building
- h. publicly owned building
- i. religious institution
- j. school - private
- k. skilled nursing facility
- l. social club
- m. special-purpose housing*

* = Use Specific Standards in Section 5.05 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2279, 10/08/2018)

Effective on: 12/23/2018

2.18 R7 (Multiple-Family Residential) District Development Standards R7

TABLE 2.18.1 - Lot Area (see Figure 2.18.1)		Figure 2.18.1 - Lot Area
Minimum Lot Area	1,280 sq ft per dwelling unit	

Minimum Open Space	NA
Maximum Lot Coverage	NA

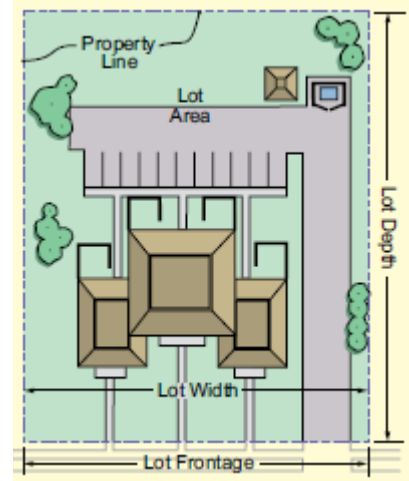


TABLE 2.18.2 – Setbacks (see Figure 2.18.2)	
Minimum Front Yard Setback	average setback of residential buildings within 200 feet, otherwise 25 feet
Minimum Rear Yard Setback	30 feet
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	1/2 the building height per side yard

Figure 2.18.2 - Setbacks

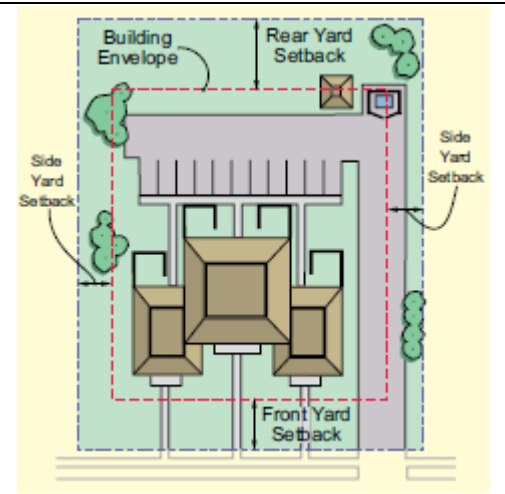


TABLE 2.18.3 - Floor Area (see Figure 2.18.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 500 sq ft (efficiency or one bedroom) • 700 sq ft (two bedroom) • 900 sq ft (three or more bedrooms)
Maximum Total Floor Area	NA

Figure 2.18.3 - Floor Area

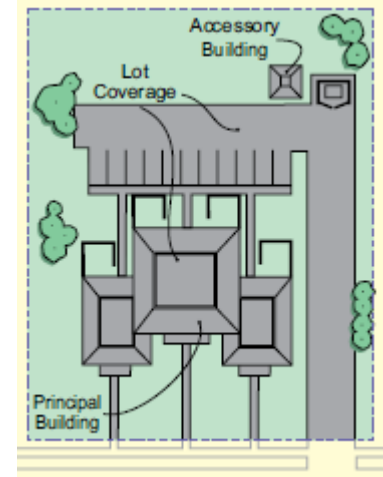
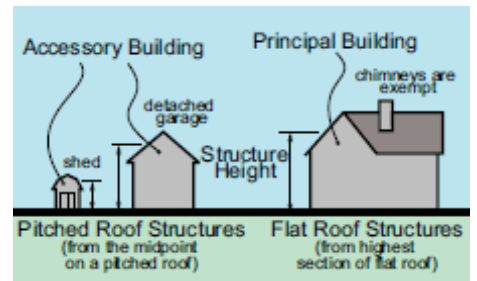


TABLE 2.18.4 - Maximum Building Height (see Figure 2.18.4)	
50 feet	

Figure 2.18.4 - Building Height

4 stories



Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 - Sec. [4.02](#)
- AS-02 - Sec. [4.03](#)
- AS-03 - Sec. [4.04](#)

Essential Services (ES)

- ES-01 - Sec. [4.09](#)

Fences (FN)

- FN-01 - Sec. [4.10](#)
- FN-02 - Sec. [4.11](#)

Floodplain (FP)

- FP-01 - Sec. [4.13](#)
- FP-03 - Sec. [4.15](#)

Height (HT)

- HT-01 - Sec. [4.16](#)
- HT-02 - Sec. [4.17](#)

Landscaping (LA)

- LA-01 - Sec. [4.20](#)

Lighting (LT)

- LT-01 - Sec. [4.21](#)
- LT-02 - Sec. [4.22](#)

Loading (LD)

- LD-01 - Sec. [4.24](#)

Lot (LO)

- LO-01 - Sec. [4.27](#)
- LO-02 - Sec. [4.28](#)

Open Space (OS)

- OS-01 - Sec. [4.30](#)
- OS-04 - Sec. [4.33](#)

Parking (PK)

- PK-01 - Sec. [4.45](#)
- PK-02 - Sec. [4.46](#)
- PK-03 - Sec. [4.47](#)

Screening (SC)

- SC-01 - Sec. [4.54](#)
- SC-02 - Sec. [4.55](#)

Setback (SB)

- SB-01 - Sec. [4.60](#)
- SB-02 - Sec. [4.61](#)

Storage and Display (SD)

- SD-01 - Sec. [4.66](#)

Structure (SS)

- SS-01 - Sec. [4.74](#)

Temporary Use (TU)

- TU-01 - Sec. [4.84](#)
- TU-03 - Sec. [4.86](#)

Vision Clearance (VC)

- VC-01 - Sec. [4.89](#)

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2.19 R8 (Attached Single-Family Residential) District Intent, Permitted Uses, and Special Uses RB

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. adult foster care group home (R3)
 - b. dwelling - one-family (R3)
 - c. dwelling - single-family attached
2. Institutional Permitted Uses
 - a. government office (R3)
 - b. school – public (R3)
3. Recreational Permitted Uses
 - a. park (R3)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. garage - private
 - b. greenhouse - private
 - c. home occupation*
 - d. parking facility - private off-street
 - e. parking - public, off-street*
 - f. renting of rooms*

- g. sign
- h. swimming pool - private
- i. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. church
- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. skilled nursing facility

* = Use Specific Standards in Section 5.03 Apply

() = Subject to Regulations of the Specified District

2.20 R8 (Attached Single-Family Residential) District Development Standards R8

TABLE 2.20.1 - Lot Area (see Figure 2.20.1)	
Minimum Lot Area	3,000 sq ft per dwelling unit
Minimum Open Space	NA
Maximum Lot Coverage	NA

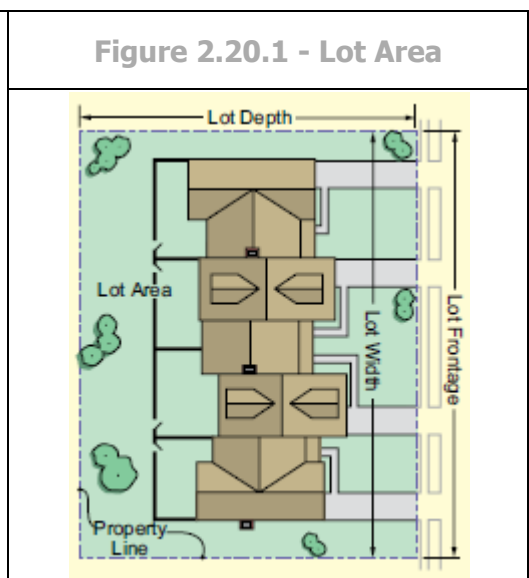


TABLE 2.20.2 – Setbacks (see Figure 2.20.2)	
Minimum Front Yard Setback	average setback of residential <u>buildings</u> within 200 feet, otherwise 25 feet
Minimum Rear Yard Setback	20 feet
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 7 feet for <u>interior lots</u> • 10 feet for <u>corner lots</u> • 14 feet or 25% of total <u>lot width</u> whichever is larger, between principal residential buildings on adjacent lots

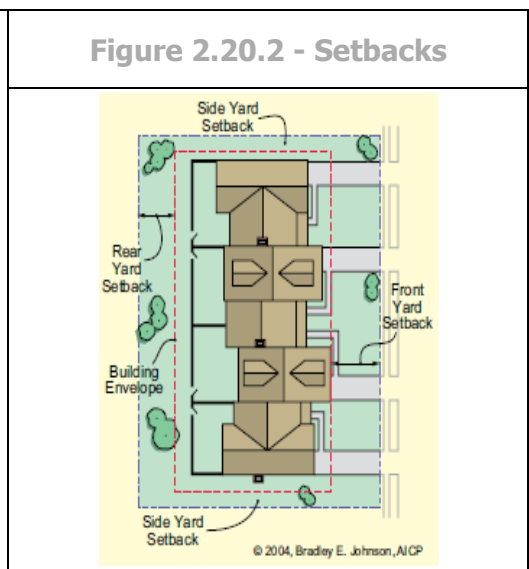


TABLE 2.20.3 - Floor Area (see Figure 2.20.3)	
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Minimum Floor Area Per Unit	900 sq ft
Maximum Total Floor Area	NA

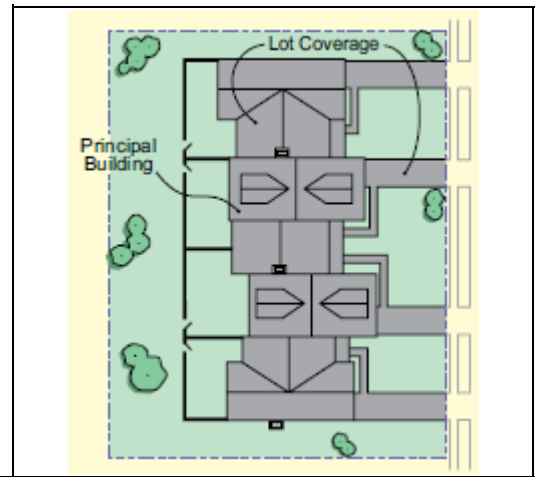
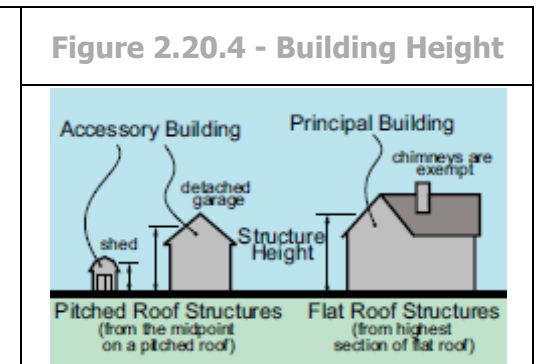


TABLE 2.20.4 - Maximum Building Height (see Figure 2.20.4)	
30 feet	
2.5 stories	



Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-01 - Sec. 4.02 AS-02 - Sec. 4.03 AS-03 - Sec. 4.04 AS-04 - Sec. 4.05 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 FN-03 - Sec. 4.12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 FP-03 - Sec. 4.15 <p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 HT-02 - Sec. 4.17 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> LA-01 - Sec. 4.20 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> LT-01 - Sec. 4.21 LT-02 - Sec. 4.22 <p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> LO-01 - Sec. 4.27 LO-03 - Sec. 4.29 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 OS-05 - Sec. 4.34 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 PK-03 - Sec. 4.47 PK-04 - Sec. 4.48 	<p>Screening (SC)</p> <ul style="list-style-type: none"> SC-01 - Sec. 4.54 SC-03 - Sec. 4.56 <p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 SB-02 - Sec. 4.61 SB-02 - Sec. 4.61 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 TU-03 - Sec. 4.86 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89

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2.21 01 (Office) District Intent, Permitted Uses, and Special Uses 01

A. District Intent

- The 01 (Office) District is established to accommodate a mix of residential, office and public uses which are compatible with nearby residential uses.

B. Permitted Uses

- Residential Permitted Uses

- a. adult foster care group home
- b. dwelling - multiple-family
- c. dwelling - one-family (R5)
- d. dwelling - two-family
- e. live/work unit

2. Institutional Permitted Uses

- a. government office
- b. philanthropic use
- c. school – public

3. Recreational Permitted Uses

- a. park
- b. swimming pool – semiprivate

4. Commercial Permitted Uses

- a. barber shop/beauty salon
- b. hair replacement establishment
- c. office
- d. veterinary clinic*

C. Other Use Regulations

1. Accessory Permitted Uses

- a. kennel*
- b. laboratory - medical/dental*
- c. loading facility - off-street*
- d. parking facility - off-street*
- e. pharmacy*
- f. outdoor cafe*

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. bistro (only permitted in the Triangle District)*
- c. continued care retirement community
- d. independent hospice facility
- e. independent senior living
- f. religious institution
- g. skilled nursing facility

* = Use Specific Standards in Section [5.06](#) Apply

() = Subject to Regulations of the Specified District

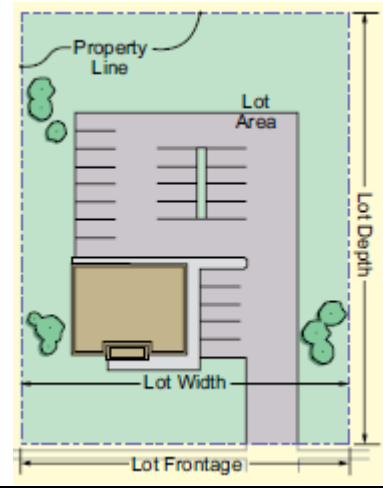
(Ord. No. [2280](#), 10/08/2018)

Effective on: 12/23/2018

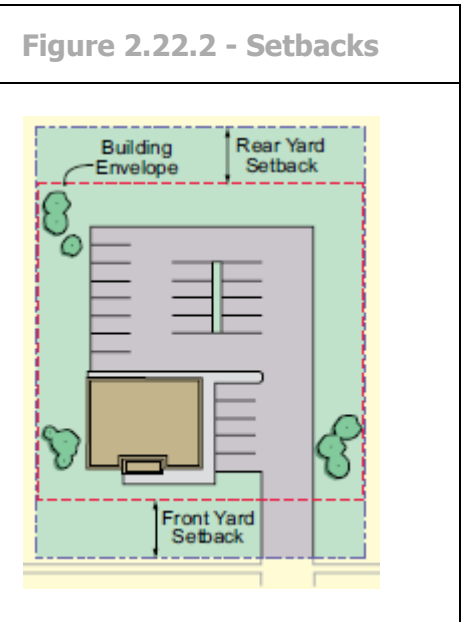
2.22 01 (Office) District Development Standards 01

TABLE 2.22.1 - Lot Area (see Figure 2.22.1)		Figure 2.22.1 - Lot Area
Minimum Lot Area	NA	
Minimum Open Space	NA	

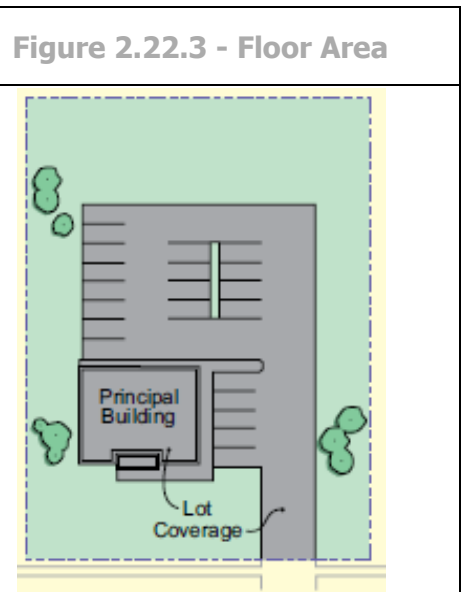
<p>Maximum Lot Coverage</p>	<p>NA</p>
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<p>TABLE 2.22.2 – Setbacks (see Figure 2.22.2)</p>	
<p>Minimum Front Yard Setback</p>	<p>average setback of buildings within 200 feet, otherwise 0 feet</p>
<p>Minimum Rear Yard Setback</p>	<ul style="list-style-type: none"> • 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, or O2 Zoning District • 20 feet or height of the building, whichever is greater when adjacent to a residential zoning district
<p>Minimum Combined Front and Rear Setback</p>	<p>NA</p>
<p>Minimum Side Yard Setback</p>	<p>No setback is required except on a corner lot which has on its side street an abutting interior lot, then such setback shall be equal to the minimum for the zoning district in which the building is located</p>



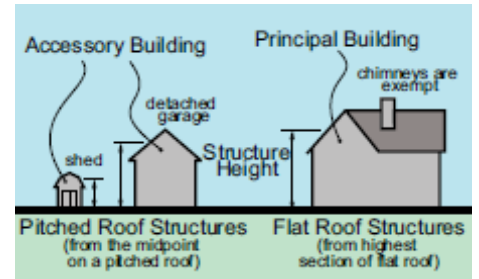
<p>TABLE 2.22.3 - Floor Area (see Figure 2.22.3)</p>	
<p>Minimum Floor Area Per Unit</p>	<p>NA</p>
<p>Maximum Total Floor Area</p>	<ul style="list-style-type: none"> • 100% in parking assessment district • not applicable for residential and parking uses



<p>TABLE 2.22.4 - Maximum Building Height (see Figure 2.22.4)</p>	
<p>28 feet</p>	



2 stories



Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 - Sec. [4.02](#)
- AS-03 - Sec. [4.04](#)
- AS-05 - Sec. [4.06](#)

Essential Services (ES)

- ES-01 - Sec. [4.09](#)

Fences (FN)

- FN-01 - Sec. [4.10](#)

Floodplain (FP)

- FP-01 - Sec. [4.13](#)

Height (HT)

- HT-01 - Sec. [4.16](#)
- HT-02 - Sec. [4.17](#)
- HT-03 - Sec. [4.18](#)

Landscaping (LA)

- LA-01 - Sec. [4.20](#)

Lighting (LT)

- LT-01 - Sec. [4.21](#)
- LT-02 - Sec. [4.22](#)

Lighting (LT)

- LT-01 - Sec. [4.21](#)
- LT-02 - Sec. [4.22](#)

Loading (LD)

- LD-01 - Sec. [4.24](#)

Lot (LO)

- LO-01 - Sec. [4.27](#)

Open Space (OS)

- OS-01 - Sec. [4.30](#)

Operation (OP)

- OP-01 - Sec. [4.40](#)
- OD-01 - Sec. [4.44](#)

Parking (PK)

- PK-01 - Sec. [4.45](#)
- PK-02 - Sec. [4.46](#)
- PK-03 - Sec. [4.47](#)

Screening (SC)

- SC-01 - Sec. [4.54](#)
- SC-04 - Sec. [4.57](#)

Setback (SB)

- SB-01 - Sec. [4.60](#)

Storage and Display (SD)

- SD-01 - Sec. [4.66](#)
- SD-02 - Sec. [4.67](#)

Structure (SS)

- SS-01 - Sec. [4.74](#)

Temporary Use (TU)

- TU-01 - Sec. [4.84](#)

Utility (UT)

- UT-01 - Sec. [4.88](#)

Vision Clearance (VC)

- VC-01 - Sec. [4.89](#)

Window (WN)

- WN-01 - Sec. [4.90](#)

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2.23 O2 (Office/Commercial) District Intent, Permitted Uses, and Special Uses O2

A. District Intent

1. The O2 (Office/Commercial) District is established to accommodate a mix of residential, office, public and small scale commercial uses which are compatible with nearby residential uses.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home](#)
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R5)
 - d. dwelling - two-family
 - e. [live/work unit](#)
2. Institutional Permitted Uses
 - a. government office
 - b. [philanthropic use](#)
 - c. [school](#) – public
3. Recreational Permitted Uses
 - a. [park](#)
 - b. swimming pool – semiprivate
4. Commercial Permitted Uses

- a. art gallery
- b. bakery
- c. bank without drive-through facility
- d. barber shop/beauty salon
- e. boutique
- f. clinic
- g. clothing store
- h. flower/gift shop
- i. hair replacement establishment
- j. interior design shop
- k. jewelry store
- l. leather and luggage goods shop
- m. office
- n. photography studio
- o. specialty food store
- p. specialty home furnishing shop
- q. tailor
- r. tobacconist
- s. veterinary clinic*

C. Other Use Regulations

1. Accessory Permitted Uses

- a. kennel*
- b. laboratory - medical/dental*
- c. loading facility - off-street*
- d. parking facility - off-street*
- e. pharmacy*
- f. outdoor cafe*
- g. outdoor display*
- h. commercial or office uses which are customarily incidental to the permitted principal uses of the same lot

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. bank with drive-through facility
- c. bistro (only permitted in the Triangle District)*
- d. continued care retirement community
- e. display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- f. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels within the Triangle District identified on Exhibit 1; Appendix C)
- g. food or drink establishment*
- h. independent hospice facility
- i. independent senior living
- j. skilled nursing facility

* = Use Specific Standards in Section 5.07 Apply

() = Subject to Regulations of the Specified District

2.24 02 (Office/Commercial) District Development Standards 02

TABLE 2.24.1 - Lot Area (see Figure 2.24.1)	
Minimum Lot Area	NA
Minimum Open Space	NA
Maximum Lot Coverage	NA

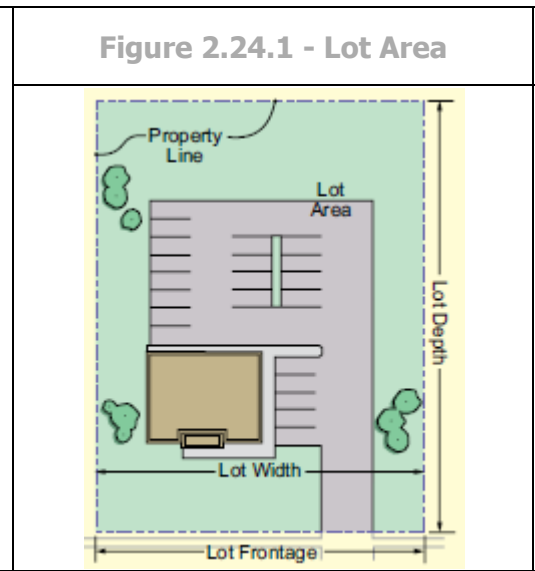


TABLE 2.24.2 – Setbacks (see Figure 2.24.2)	
Minimum Front Yard Setback	0 feet
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, or O2 Zoning District • 20 feet when adjacent to a residential zoning district
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	0 feet

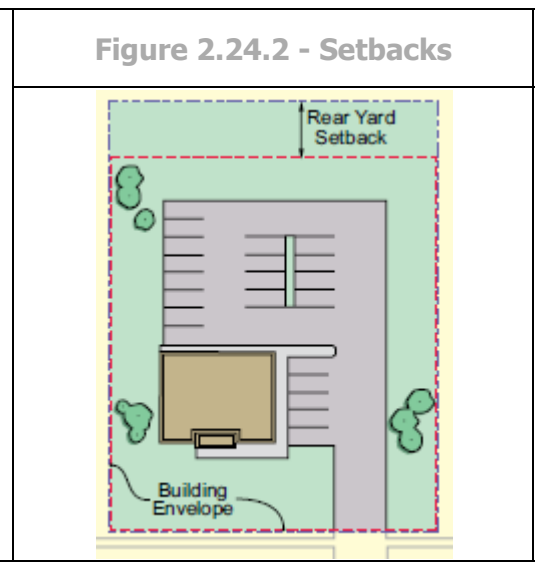


TABLE 2.24.3 - Floor Area (see Figure 2.24.3)	
Minimum Floor Area Per Unit	NA
Maximum Total Floor Area	<ul style="list-style-type: none"> • 200% Floor Area Ratio (FAR) for office uses not in parking assessment district • in parking assessment district, FAR shall not exceed 100%, except that the maximum FAR may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum FAR • not applicable for residential and parking uses

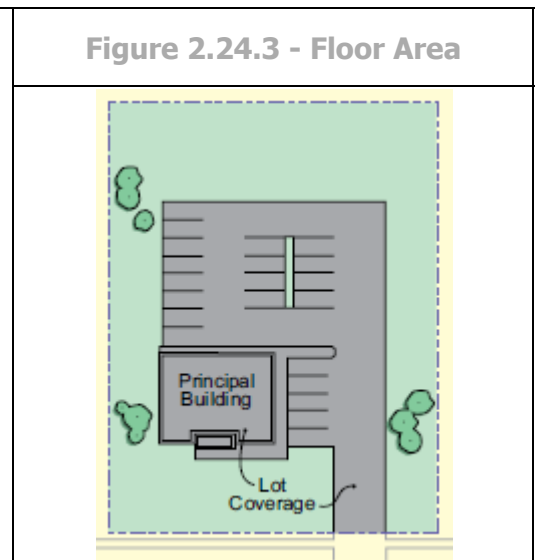
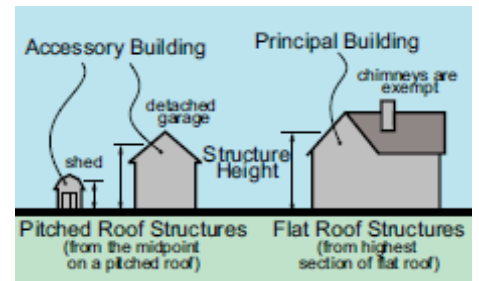


TABLE 2.24.4 - Maximum Building Height (see Figure 2.24.4)	
28 feet	



2 stories



Additional Development Standards that Apply

Accessory Structure (AS)

- AS-01 - Sec. [4.02](#)
- AS-03 - Sec. [4.04](#)
- AS-05 - Sec. [4.06](#)

Essential Services (ES)

- ES-01 - Sec. [4.09](#)

Fences (FN)

- FN-01 - Sec. [4.10](#)

Floodplain (FP)

- FP-01 - Sec. [4.13](#)

Height (HT)

- HT-01 - Sec. [4.16](#)
- HT-02 - Sec. [4.17](#)
- HT-03 - Sec. [4.18](#)

Landscaping (LA)

- LA-01 - Sec. [4.20](#)

Lighting (LT)

- LT-01 - Sec. [4.21](#)
- LT-02 - Sec. [4.22](#)

Loading (LD)

- LD-01 - Sec. [4.24](#)

Lot (LO)

- LO-01 - Sec. [4.27](#)

Open Space (OS)

- OS-01 - Sec. [4.30](#)

Outdoor Dining (OD)

- OD-01 - Sec. [4.44](#)

Parking (PK)

- PK-01 - Sec. [4.45](#)
- PK-02 - Sec. [4.46](#)
- PK-03 - Sec. [4.47](#)

Screening (SC)

- SC-01 - Sec. [4.54](#)
- SC-05 - Sec. [4.58](#)

Setback (SB)

- SB-01 - Sec. [4.60](#)

Storage and Display (SD)

- SD-01 - Sec. [4.66](#)
- SD-03 - Sec. [4.68](#)

Structure (SS)

- SS-01 - Sec. [4.74](#)

Temporary Use (TU)

- TU-01 - Sec. [4.84](#)

Utility (UT)

- UT-01 - Sec. [4.88](#)

Vision Clearance (VC)

- VC-01 - Sec. [4.89](#)

Window (WN)

- WN-01 - Sec. [4.90](#)

Illustrations in this section are © 2004/2006, Bradley E. Johnson, AICP

2.25 P (Parking) District Intent, Permitted Uses, and Special Uses P

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. [adult foster care group home \(R7\)](#)
 - b. [dwelling - multiple-family \(R7\)](#)
 - c. [dwelling - one-family \(R7\)](#)
 - d. [dwelling - two-family \(R7\)](#)
 - e. [live/work unit](#)
2. Institutional Permitted Uses
 - a. [government office \(R7\)](#)
 - b. [parking facility – off-street*](#)
 - c. [philanthropic use \(R7\)](#)
 - d. [school – public \(R7\)](#)
3. Recreational Permitted Uses
 - a. [Park \(R7\)](#)
 - b. [swimming pool – semiprivate \(R7\)](#)

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. [garage - community](#)

- b. garage - private
- c. greenhouse - private
- d. home occupation*
- e. parking facility - private off-street
- f. parking - public, off-street*
- g. renting of rooms*
- h. shelter building*
- i. sign
- j. swimming pool - private
- k. any use customarily incidental to the permitted principal use

2. Uses Requiring a Special Land Use Permit

- a. assisted living
- b. bistro (only permitted in the Triangle District)*
- c. community center
- d. continued care retirement community
- e. independent hospice facility
- f. independent senior living
- g. parking - off-street
- h. publicly owned building
- i. public utility building
- j. recreational club
- k. religious institution
- l. school - private
- m. skilled nursing facility
- n. social club

* = Use Specific Standards in Section [5.08](#) Apply

() = Subject to Regulations of the Specified District

(Ord. No. [2281](#), 10/08/2018)

Effective on: 12/23/2018

2.26 P (Parking) District Development Standards P

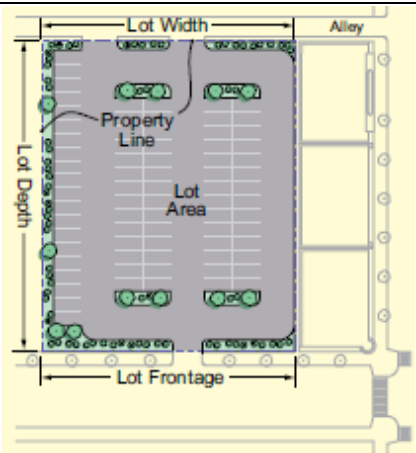
TABLE 2.26.1 - Lot Area (see Figure 2.26.1)		Figure 2.26.1 - Lot Area
Minimum Lot Area	1,280 sq ft	
Minimum Open Space	40%	
Maximum Lot Coverage	30%	

TABLE 2.26.2 – Setbacks (see Figure 2.26.2)	
Minimum Front Yard Setback	0 feet
Minimum Rear Yard Setback	0 feet
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	0 feet

Figure 2.26.2 - Setbacks

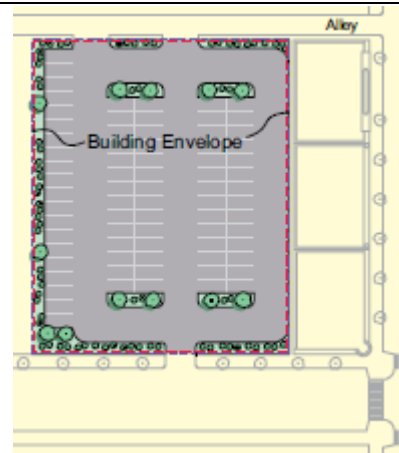


TABLE 2.26.3 - Floor Area (see Figure 2.26.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 500 sq ft (efficiency or one bedroom) • 700 sq ft (two bedroom) • 900 sq ft (three or more bedrooms)
Maximum Total Floor Area	NA

Figure 2.26.3 - Floor Area

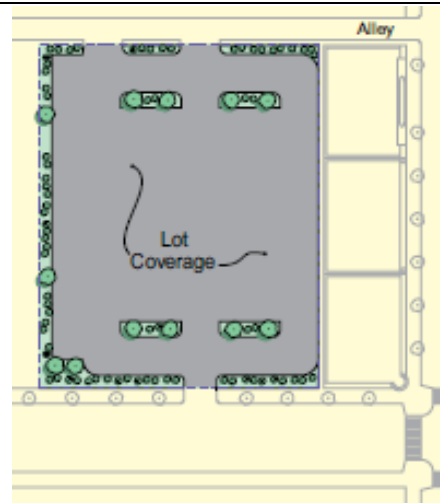
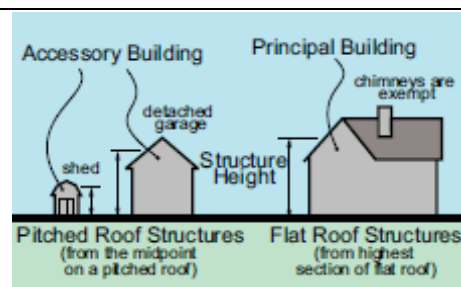


TABLE 2.26.4 - Maximum Building Height (see Figure 2.26.4)	
50 feet	
4 stories	

Figure 2.26.4 - Building Height



Additional Development Standards that Apply

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> ▪ AS-01 - Sec. 4.02 ▪ AS-03 - Sec. 4.04 ▪ AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ▪ ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> ▪ FN-01 - Sec. 4.10 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> ▪ FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> ▪ HT-01 - Sec. 4.16 ▪ HT-02 - Sec. 4.17 ▪ HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> ▪ LA-01 - Sec. 4.20 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> ▪ LT-01 - Sec. 4.21 ▪ LT-02 - Sec. 4.22 <p>Loading (LD)</p> <ul style="list-style-type: none"> ▪ LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> ▪ LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> ▪ OS-01 - Sec. 4.30 <p>Parking (PK)</p> <ul style="list-style-type: none"> ▪ PK-01 - Sec. 4.45 ▪ PK-02 - Sec. 4.46 ▪ PK-03 - Sec. 4.47 <p>Screening (SC)</p> <ul style="list-style-type: none"> ▪ SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> ▪ SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> ▪ SD-01 - Sec. 4.66 <p>Structure (SS)</p> <ul style="list-style-type: none"> ▪ SS-01 - Sec. 4.74 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> ▪ TU-01 - Sec. 4.84 <p>Utility (UT)</p> <ul style="list-style-type: none"> ▪ UT-01 - Sec. 4.88 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> ▪ VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> ▪ WN-01 - Sec. 4.90

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2.27 B1 (Neighborhood Business) District Intent, Permitted Uses, and Special Uses B1

A. District Intent

1. The B1 (Neighborhood Business) District is established for the convenience of shopping for persons residing in adjacent residential areas to permit only such uses as are necessary to satisfy those limited basic shopping and/or service needs which by their very nature are not related to the shopping pattern of the general business district.

B. Permitted Uses

1. Institutional Permitted Uses
 - a. community center
 - b. government office
 - c. government use
 - d. religious institution
 - e. school - private
 - f. school - public
 - g. social club
2. Recreational Permitted Uses
 - a. recreational club
 - b. swimming pool – semiprivate
3. Commercial Permitted Uses
 - a. bakery
 - b. barber shop/beauty salon
 - c. drugstore
 - d. dry cleaning
 - e. grocery store
 - f. hardware store
 - g. neighborhood convenience store
 - h. office
 - i. shoe store/shoe repair
 - j. tailor
4. Other Permitted Uses
 - a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. alcoholic beverage sales*
 - b. kennel*
 - c. laboratory - medical/dental*
 - d. loading facility - off-street*
 - e. outdoor cafe
 - f. outdoor display*
 - g. parking facility - off-street*
 - h. sign
2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (off-premise consumption)
 - b. alcoholic beverage sales (on-premise consumption)
 - c. child care center
 - d. continued care retirement community
 - e. independent hospice facility
 - f. drive-in facility*
 - g. gasoline full service station*
 - h. skilled nursing facility

* = Use Specific Standards in Section 5.09 Apply

() = Subject to Regulations of the Specified District

(Ord. No. 2282, 10/08/2018)

Effective on: 12/23/2018

2.28 B1 (Neighborhood Business) District Development Standards B1

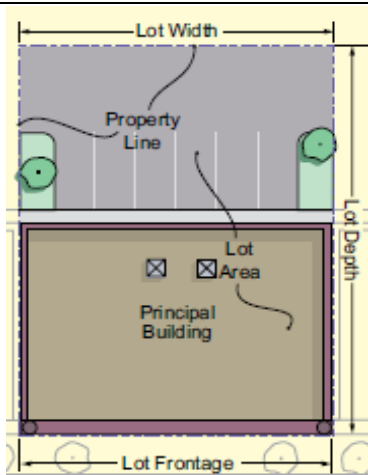
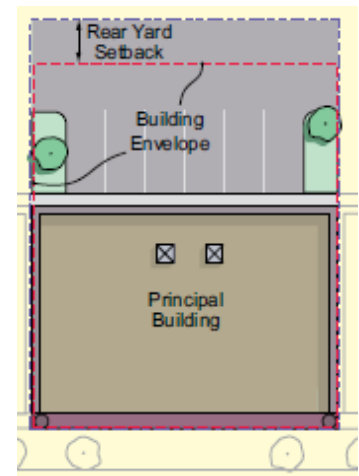
TABLE 2.28.1 - Lot Area (see Figure 2.28.1)		Figure 2.28.1 - Lot Area
Minimum Lot Area	NA	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

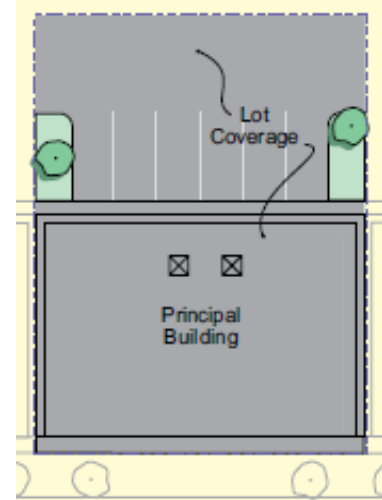
TABLE 2.28.2 – Setbacks (see Figure 2.28.2)		Figure 2.28.2 - Setbacks
Minimum Front Yard Setback	NA	

<p>Minimum Rear Yard Setback</p>	<ul style="list-style-type: none"> • 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, or O2 zoning district • 20 feet when adjacent to a residential zoning district
<p>Minimum Combined Front and Rear Setback</p>	<p>NA</p>
<p>Minimum Side Yard Setback</p>	<p>0 feet</p>



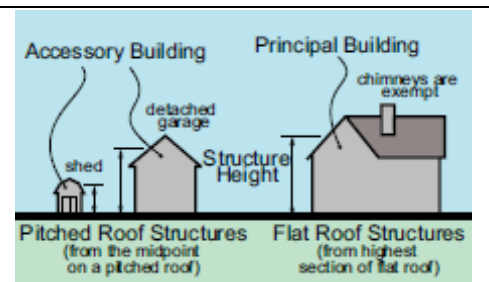
<p>TABLE 2.28.3 - Floor Area (see Figure 2.28.3)</p>	
<p>Minimum Floor Area Per Unit</p>	<p>NA</p>
<p>Maximum Total Floor Area</p>	<p>NA</p>

Figure 2.28.3 - Floor Area



<p>TABLE 2.28.4 - Maximum Building Height (see Figure 2.28.4)</p>	
<p>30 feet</p>	
<p>2 stories</p>	

Figure 2.28.4 - Building Height



Additional Development Standards that Apply

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-03 - Sec. 4.04 • AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 • HT-02 - Sec. 4.17 • HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 - Sec. 4.20 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 - Sec. 4.21 • LT-02 - Sec. 4.22 	<p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 <p>Operation (OP)</p> <ul style="list-style-type: none"> • OP-02 - Sec. 4.41 • OP-03 - Sec. 4.42 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> • OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 • SD-05 - Sec. 4.70 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-03 - Sec. 4.76 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-04 - Sec. 4.87 <p>Utility (UT)</p> <ul style="list-style-type: none"> • UT-01 - Sec. 4.88 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> • WN-01 - Sec. 4.90

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2.29 B2 (General Business) District Intent, Permitted Uses, and Special Uses B2

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - multiple-family
 - b. dwelling - one-family*
 - c. dwelling - two-family*
 - d. [live/work unit](#)
2. Institutional Permitted Uses
 - a. community center
 - b. garage - public
 - c. [government office](#)
 - d. government use
 - e. loading facility - off-street
 - f. [parking facility](#) - off-street
 - g. [religious institution](#)
 - h. [school](#) - private
 - i. school - public
 - j. [social club](#)
3. Recreational Permitted Uses
 - a. [bowling alley](#)
 - b. outdoor amusement*
 - c. recreational club
 - d. swimming pool - public & semiprivate
4. Commercial Permitted Uses
 - a. bakery
 - b. bank

- c. barber shop/beauty salon
- d. catering
- e. child care center
- f. clothing store
- g. delicatessen
- h. department store
- i. drugstore
- j. dry cleaning
- k. flower/gift shop
- l. food or drink establishment*
- m. furniture
- n. greenhouse
- o. grocery store
- p. hardware store
- q. hotel
- r. jewelry store
- s. motel
- t. neighborhood convenience store
- u. office
- v. paint
- w. party store
- x. retail photocopying
- y. school-business
- z. shoe store/shoe repair
- aa. showroom of electricians/plumbers
- ab. tailor
- ac. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. kennel*
- c. laboratory - medical/dental*
- d. loading facility - off-street
- e. outdoor cafe*
- f. outdoor display*
- g. outdoor storage*
- h. parking facility - off-street
- i. retail fur sales cold storage facility
- j. sign

2. Uses Requiring a Special Land Use Permit

- a. alcoholic beverage sales (on-premise consumption)
- b. assisted living
- c. auto laundry
- d. auto sales agency
- e. bistro (only permitted in the Triangle District or Rail District)*

- f. bus/train passenger station and waiting facility
- g. continued care retirement community
- h. display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- i. drive-in facility
- j. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)
- k. funeral home
 - l. gasoline full service station*
- m. gasoline service station
- n. independent hospice facility
- o. independent senior living
- p. skilled nursing facility
- q. trailer camp

3. Uses Requiring City Commission Approval

- a. regulated uses*

* = Use Specific Standards in Section [5.10](#) Apply

() = Subject to Regulations of the Specified District

(Ord. No. [2253](#), 11/20/2017; Ord. No. [2283](#), 10/08/2018)

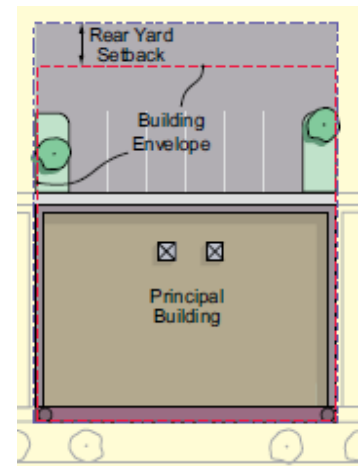
Effective on: 12/23/2018

2.30 B2 (General Business) District Development Standards B2

TABLE 2.30.1 - Lot Area (see Figure 2.30.1)		Figure 2.30.1 - Lot Area
Minimum Lot Area	<ul style="list-style-type: none"> 1,000 sq ft (single <u>story hotel</u> or <u>motel</u>) 500 sq ft (two/three-story <u>hotel</u> or <u>motel</u>) 1,280 sq ft (multiple-family) 	<p>The diagram illustrates a rectangular lot with a dashed purple border. The top horizontal dimension is labeled 'Lot Width', the right vertical dimension is 'Lot Depth', and the bottom horizontal dimension is 'Lot Frontage'. A solid grey line inside the lot is labeled 'Property Line'. A smaller rectangle within the lot is labeled 'Lot Area' and contains two small squares with an 'X' inside. Below the lot area, a larger rectangle is labeled 'Principal Building'.</p>
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

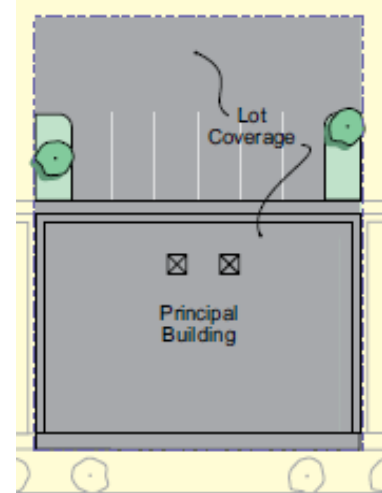
TABLE 2.30.2 – Setbacks (see Figure 2.30.2)		Figure 2.30.2 - Setbacks
Minimum Front Yard Setback	5 feet for multiple-family only <u>buildings</u>	<p>The diagram shows a lot with a building footprint. It illustrates the setbacks from the lot boundaries to the building. The front setback is the distance from the front property line to the front of the building. The rear setback is the distance from the rear property line to the back of the building. The side setbacks are the distances from the left and right property lines to the sides of the building.</p>
Minimum Rear Yard Setback	<ul style="list-style-type: none"> 10 feet when the <u>rear open space</u> abuts a P, B1, B2, B3, or B4 zoning district. 20 feet when adjacent to a residential zoning district 	

<p>Minimum Combined Front and Rear Setback</p>	<p>NA</p>
<p>Minimum Side Yard Setback</p>	<ul style="list-style-type: none"> • 0 feet for commercial, <u>office</u> or <u>parking</u> stories • 0 feet for residential stories with walls facing <u>side lot lines</u> which do not contain windows



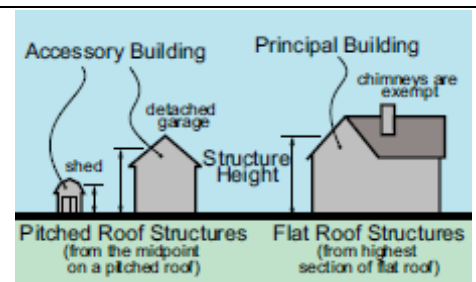
<p>TABLE 2.30.3 - Floor Area (see Figure 2.30.3)</p>	
<p>Minimum Floor Area Per Unit</p>	<ul style="list-style-type: none"> • 300 sq ft (single story hotel or motel) • 600 sq ft (efficiency and one bedroom) • 800 sq ft (two or more bedroom)
<p>Maximum Total Floor Area</p>	<ul style="list-style-type: none"> • 200% for offices except in parking assessment districts • 100% in parking assessment district • not applicable for residential and parking uses

Figure 2.30.3 - Floor Area



<p>TABLE 2.30.4 - Maximum Building Height (see Figure 2.30.4)</p>	
<p>40 feet</p>	
<p>3 stories</p>	

Figure 2.30.4 - Building Height



Additional Development Standards that Apply

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-03 - Sec. 4.04 • AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 • FN-03 - Sec. 4.12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 • HT-02 - Sec. 4.17 • HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 - Sec. 4.20 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 - Sec. 4.21 • LT-02 - Sec. 4.22 • LT-03 - Sec. 4.23 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 • OS-06 - Sec. 4.35 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> • OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 • PK-05 - Sec. 4.49 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 • SD-04 - Sec. 4.69 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-04 - Sec. 4.77 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-04 - Sec. 4.87 <p>Utility (UT)</p> <ul style="list-style-type: none"> • UT-01 - Sec. 4.88 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> • WN-01 - Sec. 4.90

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2.31 B2B (General Business) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. Residential Permitted Uses
 - b. dwelling - multiple-family
 - c. dwelling - one-family*
 - d. dwelling - two-family*
 - e. [live/work unit](#)
2. Institutional Permitted Uses
 - a. community center
 - b. garage - public
 - c. [government office](#)
 - d. government use
 - e. loading facility - off-street
 - f. [parking](#) facility - off-street
 - g. [religious institution](#)
 - h. [school](#) - private
 - i. school - public
 - j. [social club](#)
3. Recreational Permitted Uses
 - a. [bowling alley](#)
 - b. outdoor amusement*
 - c. recreational club
 - d. swimming pool - public & semiprivate
4. Commercial Permitted Uses

- a. auto sales agency
- b. bakery
- c. bank
- d. barber shop/beauty salon
- e. catering
- f. child care center
- g. clothing store
- h. delicatessen
- i. drugstore
- j. dry cleaning
- k. flower/gift shop
- l. food or drink establishment*
- m. furniture
- n. greenhouse
- o. grocery store
- p. hardware store
- q. hotel
- r. jewelry store
- s. motel
- t. neighborhood convenience store
- u. office
- v. paint
- w. party store
- x. retail photocopying
- y. school-business
- z. shoe store/shoe repair
- aa. showroom of electricians/plumbers
- ab. tailor
- ac. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. kennel*
- c. laboratory - medical/dental*
- d. loading facility - off-street
- e. outdoor cafe*
- f. outdoor display*
- g. outdoor storage*
- h. parking facility - off-street
- i. retail fur sales cold storage facility
- j. sign

2. Uses Requiring a Special Land Use Permit

- a. alcoholic beverage sales (on-premise consumption)
- b. assisted living
- c. auto laundry

- d. bistro (only permitted in the Triangle District or Rail District)*
- e. bus/train passenger station and waiting facility
- f. continued care retirement community
- g. display of broadcast media devices (only permitted in conjunction with a gasoline service station)
- h. drive-in facility
- i. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1; Appendix C)
- j. funeral home
- k. gasoline full service station*
- l. gasoline service station
- m. independent hospice facility
- n. independent senior living
- o. skilled nursing facility
- p. trailer camp

- 3. Uses Requiring City Commission Approval
 - a. regulated uses*

* = Use Specific Standards in Section 5.10 Apply
 () = Subject to Regulations of the Specified District
 (Ord. No. 2254, 11/20/2017; Ord. No. 2284, 10/08/2018)
 Effective on: 12/23/2018

2.32 B2B (General Business) District Development Standards B2B

TABLE 2.32.1 - Lot Area (see Figure 2.32.1)		Figure 2.32.1 - Lot Area
Minimum Lot Area	<ul style="list-style-type: none"> 1,000 sq ft (single story hotel or motel) 500 sq ft (two/three-story hotel or motel) 	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

TABLE 2.32.2 – Setbacks (see Figure 2.32.2)		Figure 2.32.2 - Setbacks
Minimum Front Yard Setback	NA	
Minimum Rear Yard Setback	<ul style="list-style-type: none"> 10 feet when the rear open space abuts a P, B1, B2, B3, or B4 zoning district. 20 feet when adjacent to a residential zoning district 	

Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 0 feet for commercial, office or parking stories • 0 feet for residential stories with walls facing side lot lines which do not contain windows • 20 feet at each residential story wall containing windows when the side lot lines do not abut a street or alley

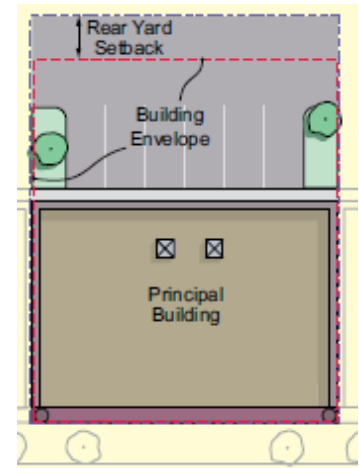


TABLE 2.32.3 - Floor Area (see Figure 2.32.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 300 sq ft (single story hotel or motel) • 600 sq ft (efficiency and one bedroom) • 800 sq ft (two or more bedroom)
Maximum Total Floor Area	<ul style="list-style-type: none"> • 100% in parking assessment district • not applicable for residential and parking uses

Figure 2.32.3 - Floor Area

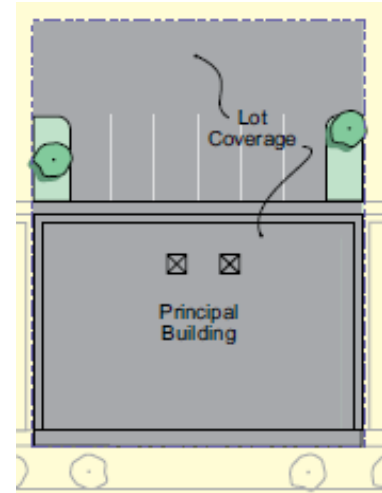
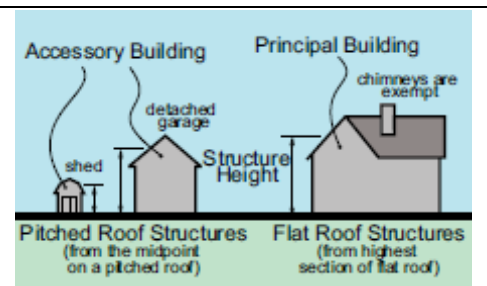


TABLE 2.32.4 - Maximum Building Height (see Figure 2.32.4)	
30 feet (commercial/office development or commercial/ office with residential)	
2 stories (commercial/office development or commercial/office with residential)	
40 feet (residential only development)	
3 stories (residential only development)	

Figure 2.32.4 - Building Height



Additional Development Standards that Apply

Additional Development Standards that Apply

<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> ▪ AS-01 - Sec. 4.02 ▪ AS-03 - Sec. 4.04 ▪ AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ▪ ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> ▪ FN-01 - Sec. 4.10 ▪ FN-03 - Sec. 4.12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> ▪ FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> ▪ HT-01 - Sec. 4.16 ▪ HT-02 - Sec. 4.17 ▪ HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> ▪ LA-01 - Sec. 4.20 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> ▪ LT-01 - Sec. 4.21 ▪ LT-02 - Sec. 4.22 ▪ LT-03 - Sec. 4.23 <p>Loading (LD)</p> <ul style="list-style-type: none"> ▪ LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> ▪ LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> ▪ OS-01 - Sec. 4.30 ▪ OS-06 - Sec. 4.35 ▪ OS-06 - Sec. 4.36 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> ▪ OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> ▪ PK-01 - Sec. 4.45 ▪ PK-02 - Sec. 4.46 ▪ PK-03 - Sec. 4.47 ▪ PK-05 - Sec. 4.49 <p>Screening (SC)</p> <ul style="list-style-type: none"> ▪ SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> ▪ SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> ▪ SD-01 - Sec. 4.66 ▪ SD-04 - Sec. 4.69 <p>Structure (SS)</p> <ul style="list-style-type: none"> ▪ SS-01 - Sec. 4.74 ▪ SS-03 - Sec. 4.76 ▪ SS-04 - Sec. 4.77 ▪ SS-05 - Sec. 4.78 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> ▪ TU-01 - Sec. 4.84 ▪ TU-04 - Sec. 4.87 <p>Utility (UT)</p> <ul style="list-style-type: none"> ▪ UT-01 - Sec. 4.88 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> ▪ VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> ▪ WN-01 - Sec. 4.90
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2.33 B2C (General Business) District Intent, Permitted Uses, and Special Uses B2C

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - multiple-family
 - b. dwelling - one-family*
 - c. dwelling - two-family*
 - d. [live/work unit](#)
2. Institutional Permitted Uses
 - a. community center
 - b. garage - public
 - c. government [office](#)
 - d. government use
 - e. loading facility - off-street
 - f. [parking facility](#) - off-street
 - g. [religious institution](#)
 - h. [school](#) - private
 - i. school - public
 - j. [social club](#)
3. Recreational Permitted Uses
 - a. [bowling alley](#)
 - b. outdoor amusement*
 - c. recreational club
 - d. swimming pool - public & semiprivate
4. Commercial Permitted Uses

- a. auto sales agency
- b. bakery
- c. bank
- d. barber shop/beauty salon
- e. catering
- f. child care center
- g. clothing store
- h. delicatessen
- i. drugstore
- j. dry cleaning
- k. flower/gift shop
- l. food or drink establishment*
- m. furniture
- n. greenhouse
- o. grocery store
- p. hardware store
- q. hotel
- r. jewelry store
- s. motel
- t. neighborhood convenience store
- u. office
- v. paint
- w. party store
- x. retail photocopying
- y. school-business
- z. shoe store/shoe repair
- aa. showroom of electricians/plumbers
- ab. tailor
- ac. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. kennel*
- c. laboratory - medical/dental*
- d. loading facility - off-street
- e. outdoor cafe*
- f. outdoor display*
- g. outdoor storage*
- h. parking facility - off-street
- i. sign

2. Uses Requiring a Special Land Use Permit

- a. alcoholic beverage sales (on-premise consumption)
- b. auto laundry
- c. bus/train passenger station and waiting facility
- d. drive-in facility

- e. funeral home
- f. gasoline full service station*
- g. gasoline service station
- h. trailer camp

3. Uses Requiring City Commission Approval

- a. regulated uses*

* = Use Specific Standards in Section 5.10 Apply

(Ord. No. 2285, 10/08/2018)

Effective on: 12/23/2018

2.34 B2C (General Business) District Development Standards B2C

TABLE 2.34.1 - Lot Area (see Figure 2.34.1)		Figure 2.34.1 - Lot Area
Minimum Lot Area	<ul style="list-style-type: none"> • 1,000 sq ft (single story hotel or motel) • 500 sq ft (two/three-story hotel or motel) 	<p>The diagram shows a rectangular lot with dimensions labeled: Lot Width (top), Lot Depth (right), and Lot Frontage (bottom). A dashed line represents the Property Line. Inside the lot, a shaded area is labeled Lot Area, and a brown rectangle is labeled Principal Building. There are also some green circular symbols representing trees or landscaping.</p>
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

TABLE 2.34.2 – Setbacks (see Figure 2.34.2)		Figure 2.34.2 - Setbacks
Minimum Front Yard Setback	NA	<p>The diagram shows a rectangular lot with a shaded area labeled Building Envelope and a brown rectangle labeled Principal Building. A dashed line at the rear of the lot is labeled Rear Yard Setback. There are also some green circular symbols representing trees or landscaping.</p>
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, or O2 Zoning District • 20 feet when adjacent to a residential zoning district 	
Minimum Combined Front and Rear Setback	NA	
Minimum Side Yard Setback	0 feet for commercial, office or parking stories	

TABLE 2.34.3 - Floor Area (see Figure 2.34.3)		Figure 2.34.3 - Floor Area
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 300 sq ft (hotel or motel) 	

<p>Maximum Total Floor Area</p>	<ul style="list-style-type: none"> • 200% for commercial/office uses
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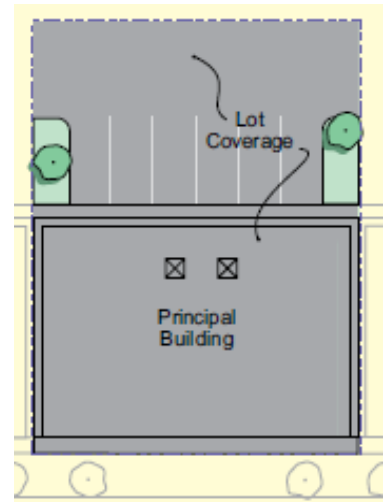
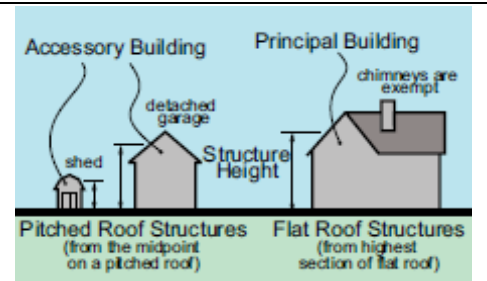


TABLE 2.34.4 - Maximum Building Height (see Figure 2.34.4)	
	30 feet
	3 stories

Figure 2.34.4 - Building Height



Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-03 - Sec. 4.04 • AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 • FN-03 - Sec. 4.12 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 • HT-02 - Sec. 4.17 • HT-03 - Sec. 4.18 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 - Sec. 4.21 • LT-02 - Sec. 4.22 • LT-03 - Sec. 4.23 	<p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 • OS-06 - Sec. 4.35 • OS-07 - Sec. 4.36 • OS-08 - Sec. 4.37 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> • OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 • PK-05 - Sec. 4.49 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 • SD-04 - Sec. 4.69 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-03 - Sec. 4.76 • SS-04 - Sec. 4.77 • SS-05 - Sec. 4.78 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-04 - Sec. 4.87 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89

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2.35 B3 (Office-Residential) District Intent, Permitted Uses, and Special Uses B3

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - multiple-family
 - b. dwelling - multiple-family combined with commercial uses in the same building complex
 - c. live/work unit
2. Institutional Permitted Uses
 - a. Bus/train passenger waiting facility
3. Commercial Permitted Uses
 - a. art gallery
 - b. auto show room
 - c. bank
 - d. barber shop/beauty salon
 - e. clothing store
 - f. coffee shop
 - g. delicatessen
 - h. department store
 - i. drugstore
 - j. dry cleaning*
 - k. flower/gift shop
 - l. health club/studio
 - m. hotel
 - n. jewelry store
 - o. laundry*
 - p. office
 - q. retail photocopying
 - r. restaurant*
 - s. school - business
 - t. shoe store/shoe repair
4. Other Permitted Uses
 - a. utility substation

C. **Other Use Regulations**

1. Accessory Permitted Uses
 - a. laboratory - medical/dental*
 - b. loading facility - off-street
 - c. outdoor cafe*
 - d. outdoor display*
 - e. outdoor storage*
 - f. parking facility - off-street
 - g. parking structure
 - h. shelter building*
 - i. sign
 - j. swimming pool - public
2. Uses Requiring a Special Land Use Permit
 - a. alcoholic beverage sales (on-premise consumption)
 - b. assisted living
 - c. continued care retirement community
 - d. independent hospice facility
 - e. independent senior living

f. skilled nursing facility

* = Use Specific Standards in Section 5.11 Apply

2.36 B3 (Office-Residential) District Development Standards B3

TABLE 2.36.1 - Lot Area (see Figure 2.36.1)	
Minimum Lot Area	NA
Minimum Open Space	NA
Maximum Lot Coverage	NA

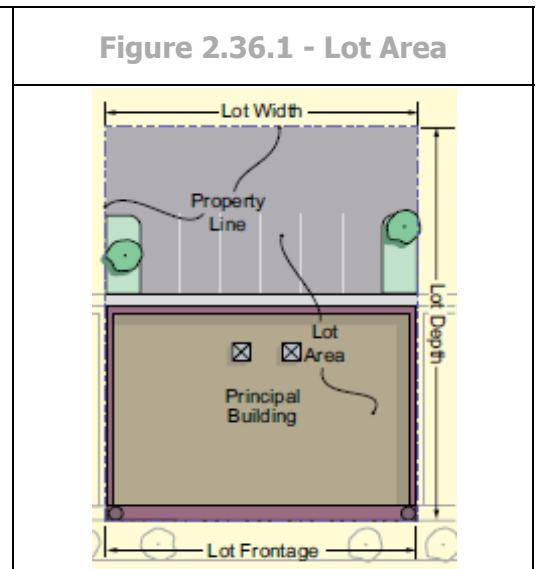


TABLE 2.36.2 – Setbacks (see Figure 2.36.2)	
Minimum Front Yard Setback	see Section 4.58
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet when commercial, office and/or parking stories have rear open space abutting a P, B1, B2, B2B, B2C, B3, or B4 Zoning District • 15 feet for residential stories, plus 2 inches for each foot of height measured from the lowest residential story
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 0 feet for commercial, office or parking stories • No less than 30 feet where walls are adjacent to street or alley, minimum of 5 feet

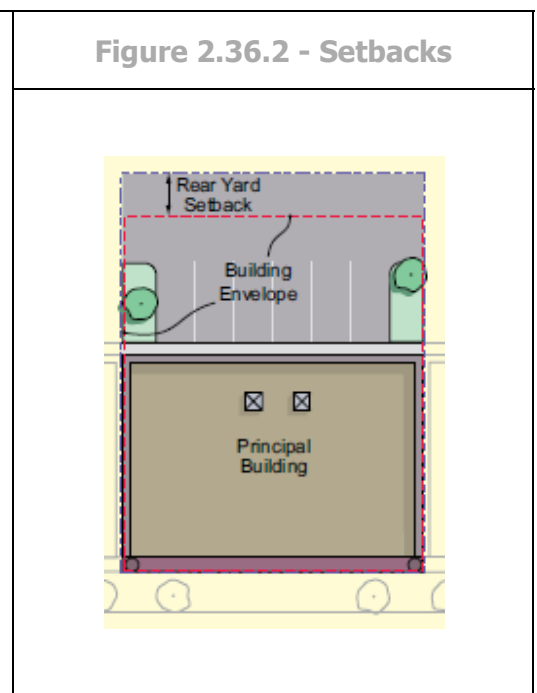
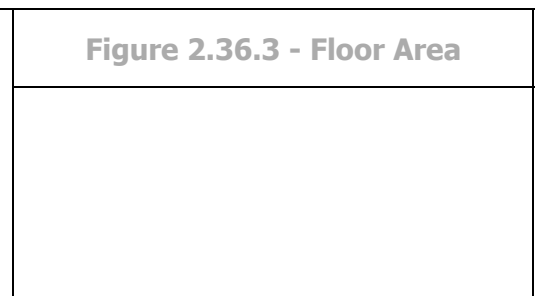


TABLE 2.36.3 - Floor Area (see Figure 2.36.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 400 sq ft (efficiency) • 500 sq ft (one bedroom) • 700 sq ft (two bedroom) • 900 sq ft (three or more bedroom)



Maximum Total Floor Area	NA
---------------------------------	----

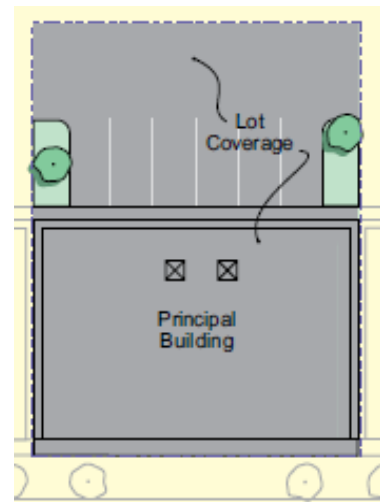
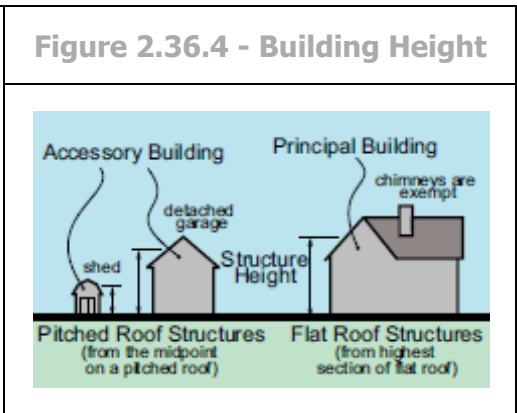


TABLE 2.36.4 - Maximum Building Height (see Figure 2.36.4)
<ul style="list-style-type: none"> • 60 feet (multiple-family) • 5 stories (multiple-family) • 60 feet (ground floor commercial with four stories of residential above) • 5 stories (ground floor commercial with four stories of multiple-family above) • 40 feet (buildings without multiple-family) • 3 stories (buildings without multiple-family)



Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-03 - Sec. 4.04 • AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 • HT-02 - Sec. 4.17 • HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 - Sec. 4.20 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 - Sec. 4.21 • LT-02 - Sec. 4.22 	<p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 • LD-02 - Sec. 4.25 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 • OS-06 - Sec. 4.35 • OS-09 - Sec. 4.38 <p>Operation (OP)</p> <ul style="list-style-type: none"> • OP-02 - Sec. 4.41 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> • OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 • PK-05 - Sec. 4.49 • PK-06 - Sec. 4.50 	<p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 <p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 • SD-04 - Sec. 4.69 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-03 - Sec. 4.76 • SS-04 - Sec. 4.77 • SS-06 - Sec. 4.79 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 • TU-04 - Sec. 4.87 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> • WN-01 - Sec. 4.90

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2.37 B4 (Business-Residential) District Intent, Permitted Uses, and Special Uses B4

A. District Intent

1. A district intent is not available for this zoning district.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling - multiple-family
 - b. dwelling - one-family*
 - c. dwelling - two-family*
 - d. live/work unit
2. Institutional Permitted Uses
 - a. community center
 - b. garage - public
 - c. government office
 - d. government use
 - e. loading facility - off-street
 - f. parking facility - off-street
 - g. religious institution
 - h. school - private
 - i. school - public
 - j. social club
3. Recreational Permitted Uses
 - a. bowling alley
 - b. outdoor amusement*
 - c. recreational club
 - d. swimming pool - public & semiprivate
4. Commercial Permitted Uses
 - a. auto sales agency
 - b. bakery
 - c. bank
 - d. barber shop/beauty salon
 - e. catering
 - f. child care center
 - g. clothing store
 - h. delicatessen
 - i. department store
 - j. drugstore
 - k. dry cleaning
 - l. flower/gift shop
 - m. food or drink establishment*
 - n. furniture
 - o. greenhouse
 - p. grocery store
 - q. hardware store
 - r. hotel
 - s. jewelry store
 - t. motel
 - u. neighborhood convenience store
 - v. office
 - w. paint
 - x. party store

- y. retail photocopying
- z. school-business
- aa. shoe store/shoe repair
- ab. showroom of electricians/plumbers
- ac. tailor
- ad. theater*

5. Other Permitted Uses

- a. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. alcoholic beverage sales (off-premise consumption)*
- b. laboratory - medical/dental*
- c. loading facility - off-street
- d. outdoor cafe*
- e. outdoor display*
- f. parking facility - off-street
- g. retail fur sales cold storage facility
- h. sign

2. Uses Requiring a Special Land Use Permit

- a. alcoholic beverage sales (on-premise consumption)
- b. assisted living
- c. continued care retirement community
- d. establishments operated with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 5, Licenses for Theaters and Hotels
- e. independent hospice facility
- f. independent senior living
- g. skilled nursing facility

3. Uses Requiring City Commission Approval

- a. regulated uses*

* = Use Specific Standards in Section [5.12](#) Apply

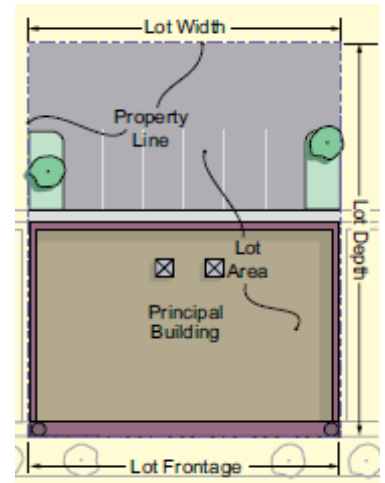
(Ord. No. [2269](#), 05/14/2018; Ord. No. [2286](#), 10/08/2018)

Effective on: 12/23/2018

2.38 B4 (Business-Residential) District Development Standards B4

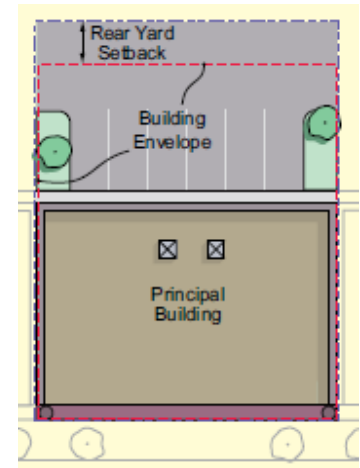
TABLE 2.38.1 - Lot Area (see Figure 2.38.1)		Figure 2.38.1 - Lot Area
Minimum Lot Area	NA	
Minimum Open Space	NA	

<p>Maximum Lot Coverage</p>	<p>NA</p>
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<p>TABLE 2.38.2 – Setbacks (see Figure 2.38.2)</p>	
<p>Minimum Front Yard Setback</p>	<p>0 feet</p>
<p>Minimum Rear Yard Setback</p>	<ul style="list-style-type: none"> • 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, or O2 Zoning District • 20 feet when adjacent to a residential zoning district
<p>Minimum Combined Front and Rear Setback</p>	<p>NA</p>
<p>Minimum Side Yard Setback</p>	<ul style="list-style-type: none"> • 0 feet for commercial, office or parking stories • 0 feet for residential stories with walls facing side lot lines which do not contain windows or front on a street • 10 feet when any wall in residential stories which contain windows and when side lot lines abut a street

Figure 2.38.2 - Setbacks



<p>TABLE 2.38.3 - Floor Area (see Figure 2.38.3)</p>	
<p>Minimum Floor Area Per Unit</p>	<ul style="list-style-type: none"> • 600 sq ft (efficiency or one bedroom) • 800 sq ft (two bedroom) • 1,000 sq ft (three or more bedroom)
<p>Maximum Total Floor Area</p>	<ul style="list-style-type: none"> • 100% for commercial/office uses • 100% for offices except in parking assessment districts • 100% in parking assessment district • not applicable for residential and parking uses

Figure 2.38.3 - Floor Area

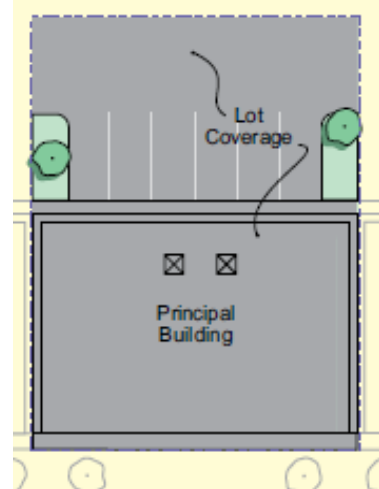
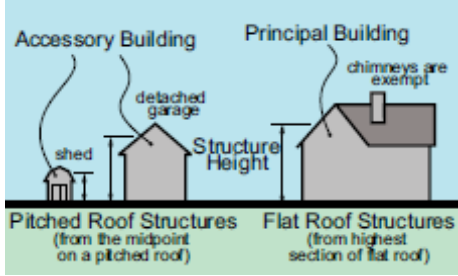


TABLE 2.38.4 - Maximum Building Height (see Figure 2.38.4)	Figure 2.38.4 - Building Height
60 feet (residential uses only)	
5 stories (residential uses only)	
48 feet (all other buildings)	
4 stories (all other buildings)	
5 stories (multiple-family)	

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-01 - Sec. 4.02 AS-03 - Sec. 4.04 AS-05 - Sec. 4.06 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 HT-02 - Sec. 4.17 HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> LA-01 - Sec. 4.20 <p>Lighting (LT)</p> <ul style="list-style-type: none"> LT-01 - Sec. 4.21 LT-02 - Sec. 4.22 	<p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 OS-06 - Sec. 4.35 OS-10 - Sec. 4.39 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 PK-03 - Sec. 4.47 PK-07 - Sec. 4.51 	<p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> SD-01 - Sec. 4.66 SD-07 - Sec. 4.72 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 SS-03 - Sec. 4.76 SS-07 - Sec. 4.80 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 TU-04 - Sec. 4.87 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> WN-01 - Sec. 4.90

Illustrations in this section are © 2004/2006, Bradley E. Johnson, AICP

2.39 MX (Mixed Use) District Intent, Permitted Uses, and Special Uses MX

A. District Intent

1. The MX (Mixed Use) District is established to:
 - a. Encourage and direct development within the boundaries of the Eton Road Mixed Use District and implement the Eton Road Corridor Plan.
 - b. Encourage residential and nonresidential uses that are compatible in scale with adjacent residential neighborhoods.
 - c. Encourage the retention, improvement, and expansion of existing uses that help define the Eton Road Corridor.
 - d. Allow mixed use developments including residential uses within the Eton Road Corridor.
 - e. Minimize the adverse effects of nonresidential traffic on the adjacent residential neighborhood.

B. Permitted Uses

1. Residential Permitted Uses
 - a. family day care home*
 - b. group day care home*
 - c. live/work unit
 - d. residential use combined with permitted nonresidential use in the same building complex
2. Institutional Permitted Uses
 - a. bus/train passenger station

- b. government office
 - c. government use
 - d. publicly owned building
3. Recreational Permitted Uses
- a. indoor/outdoor recreational facility
 - b. park
 - c. swimming pool - public, semipublic
4. Commercial Permitted Uses
- a. animal medical hospital
 - b. art gallery
 - c. artisan use
 - d. auto rental agency*
 - e. automobile repair and conversion
 - f. bakery
 - g. barber shop/beauty salon
 - h. boutique
 - i. catering
 - j. child care center
 - k. clothing store
 - l. drugstore
 - m. dry cleaning
 - n. flower/gift shop
 - o. food or drink establishment*
 - p. furniture
 - q. greenhouse
 - r. grocery store
 - s. hardware store
 - t. health club/studio
 - u. interior design shop
 - v. jewelry store
 - w. kennel*
 - x. laboratory
 - y. leather and luggage goods shop
 - z. neighborhood convenience store
 - aa. office
 - ab. pet grooming facility
 - ac. photography studio
 - ad. shoe store/shoe repair
 - ae. specialty food store
 - af. specialty home furnishing shop
 - ag. tailor
 - ah. tobacconist
 - ai. veterinary clinic
5. Industrial Permitted Uses
- a. light industrial uses
 - b. warehousing
6. Other Permitted Uses

- a. gas regulatory station
- b. telephone exchange building
- c. utility substation

C. Other Use Regulations

1. Accessory Permitted Uses

- a. Alcoholic beverage sales*
- b. Dwelling - accessory*
- c. Garage - private
- d. Greenhouse - private
- e. Home occupation
- f. Loading facility - off-street*
- g. Outdoor cafe*
- h. Outdoor sales or display of goods*
- i. Parking facility - off-street*
- j. Parking Structure*
- k. Renting of Rooms*
- l. Sign
- m. Swimming Pool - private

2. Uses Requiring a Special Land Use Permit

- a. alcoholic beverage sales (on-premise consumption)
- b. bistros operating with a liquor license granted under the authority of Chapter 10, Alcoholic Liquors, Division 4 - Bistro Licenses
- c. church
- d. college
- e. dwelling - first floor with frontage on Eton Road
- f. establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development identified in Appendix C, Exhibit 1
- g. outdoor storage*
- h. parking structure (not accessory to principal use)
- i. religious institution
- j. school - private
- k. school - public
- l. residential use combined with a permitted nonresidential use with frontage on Eton Road
- m. any permitted principal use with a total floor area greater than 6,000 sq. ft.

3. Uses Requiring City Commission Approval

- a. assisted living
- b. continued care retirement community
- c. independent hospice facility
- d. independent senior living
- e. regulated uses*
- f. skilled nursing facility

* = Use Specific Standards in Section 5.13 Apply

(Ord. No. 2255, 11/20/2017; Ord. No. 2287, 10/08/2018; Ord. No. 2341, 10/28/2019)

Effective on: 11/17/2019

2.40 MX (Mixed Use) District Development Standards

TABLE 2.40.1 - Lot Area (see Figure 2.40.1)	
Minimum Lot Area in Square Feet per Dwelling Unit or Apartment Unit	<ul style="list-style-type: none"> • 1,500 sq ft (one bedroom) • 2,000 sq ft (two bedroom) • 2,500 sq ft (three or more bedroom)
Minimum Open Space	NA
Maximum Lot Coverage	NA

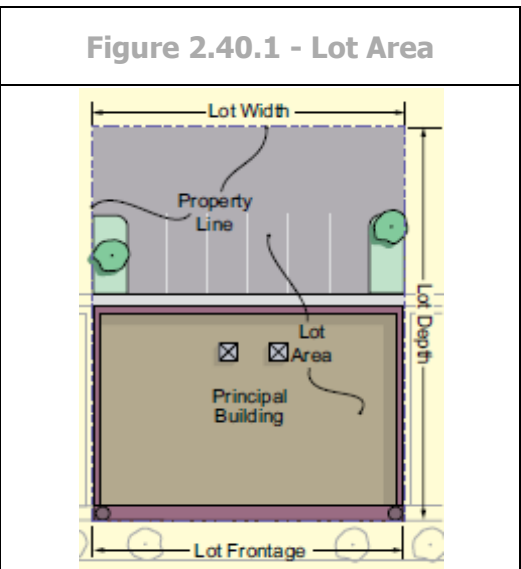


TABLE 2.40.2 – Setbacks (see Figure 2.40.2)	
Minimum Front Yard Setback	0 feet
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet when the rear open space abuts a P, B1, B2, B2B, B2C, B3, B4, O1, O2, or MX Zoning District • 20 feet when adjacent to a residential zoning district
Minimum Combined Front and Rear Setback	NA
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 0 feet for commercial, office or parking stories • 0 feet for residential stories with walls facing side lot lines which do not contain 20 foot minimum separation between adjacent buildings with walls that contain windows

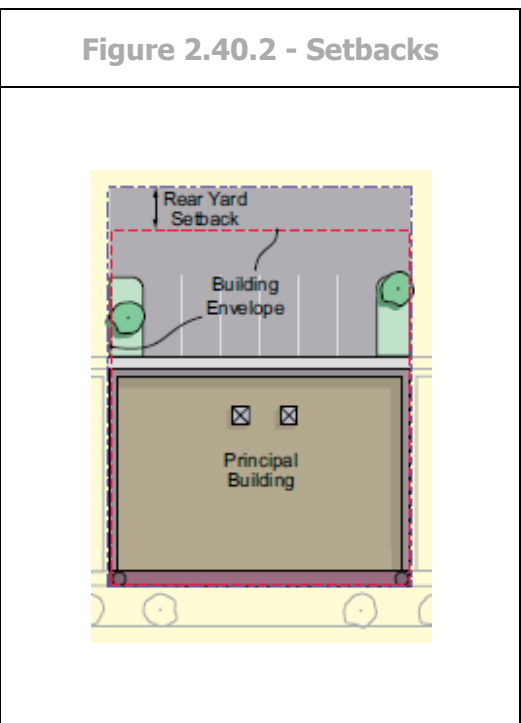


TABLE 2.40.3 - Floor Area (see Figure 2.40.3)	
Minimum Floor Area Per Unit	<ul style="list-style-type: none"> • 400 sq ft (efficiency) • 600 sq ft (one bedroom) • 800 sq ft (two bedroom) • 1,000 sq ft (three or more bedroom)



Maximum Total Floor Area	<ul style="list-style-type: none"> • 100%, except that the maximum usable floor area may be increased up to 150% by providing 1 parking space for every 300 square feet over the maximum 100% FAR. • 6,000 sq ft for commercial, office, and service uses.
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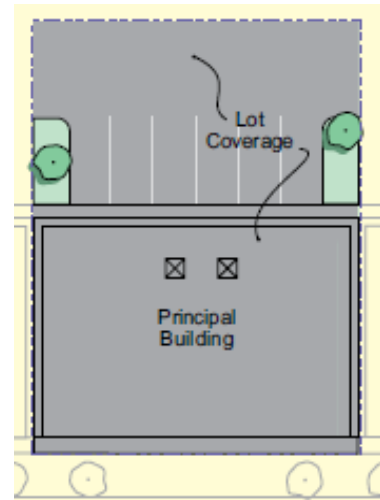
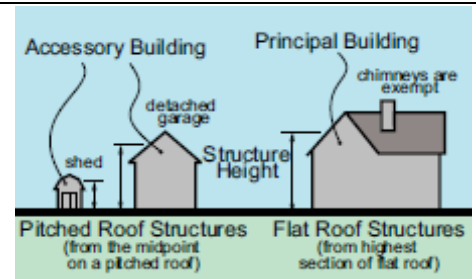


TABLE 2.40.4 - Maximum Building Height (see Figure 2.40.4)
45 feet for flat roofs
40 feet maximum eave line for sloped roofs
50 feet maximum height to the peak or ridge for sloped roofs as measured to average grade
4 stories
Minimum Eave Height
18 feet for one-story building on Eton Road

Figure 2.40.4 - Building Height



Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-03 - Sec. 4.04 • AS-06 - Sec. 4.07 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 • HT-02 - Sec. 4.17 • HT-04 - Sec. 4.19 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 - Sec. 4.20 <p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 - Sec. 4.21 • LT-02 - Sec. 4.22 	<p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Lot (LO)</p> <ul style="list-style-type: none"> • LO-01 - Sec. 4.27 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 • OS-06 - Sec. 4.35 <p>Operation (OP)</p> <ul style="list-style-type: none"> • OP-04 - Sec. 4.40 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> • OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 • PK-06 - Sec. 4.50 • PK-08 - Sec. 4.52 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 <p>Storage and Display (SD)</p> <ul style="list-style-type: none"> • SD-01 - Sec. 4.66 • SD-04 - Sec. 4.69 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-08 - Sec. 4.81 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 <p>Utility (UT)</p> <ul style="list-style-type: none"> • UT-01 - Sec. 4.88 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> • WN-01 - Sec. 4.90

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2.41 TZ1 (Transition Zone) District Intent, Permitted Uses, and Special Uses TZ1

A. District Intent

1. The TZ1 (Transition Zone) District is established to:
 - a. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single family residential areas or for property which either has direct access to a major traffic road or is located

between major traffic roads and predominantly single-family residential areas.

- b. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- c. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
- d. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
- e. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
- f. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

B. Permitted Uses

- 1. Residential Permitted Uses
 - a. dwelling - attached single family
 - b. dwelling - multiple-family
 - c. dwelling - one-family (R3)

C. Other Use Regulations

- 1. Accessory Permitted Uses
 - a. family day care home
 - b. home occupation*
 - c. parking facility - private off-street
 - d. parking - off-street
- 2. Uses Requiring a Special Land Use Permit
 - a. assisted living
 - b. independent hospice facility
 - c. independent senior living
 - d. skilled nursing facility

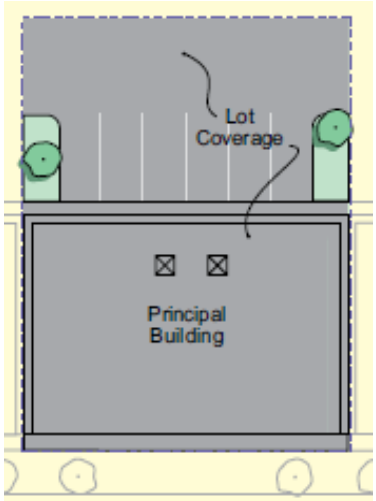
* = Use Specific Standards in Section [5.13](#) Apply

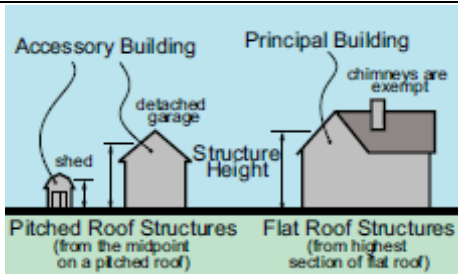
2.42 TZ1 (Transition Zone) District Development Standards 

TABLE 2.42.1 - Lot Area (see Figure 2.42.1)		Figure 2.42.1 - Lot Area
Minimum Lot Area	3,000 sq ft	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

TABLE 2.42.2 – Setbacks (see Figure 2.42.2)		Figure 2.42.2 - Setbacks
Minimum Front Yard Setback	0-5 feet	
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet • 20 feet abutting single-family zoning district 	
Minimum Combined Front and Rear Setback	NA	

<p>Minimum Side Yard Setback</p>	<ul style="list-style-type: none"> • 0 feet from interior <u>side lot line</u> • 10 feet from side <u>street on corner lot</u> • 10 feet from side lot line abutting a single-family district 	
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<p>TABLE 2.42.3 - Floor Area (see Figure 2.42.3)</p>		<p>Figure 2.42.3 - Floor Area</p>
<p>Minimum Floor Area Per Unit</p>	<p>NA</p>	 <p>The diagram shows a rectangular lot with a dashed line indicating the lot coverage. Inside the lot, a smaller rectangle represents the principal building. Two small squares with an 'X' are shown within the building footprint. The area between the building and the lot boundary is shaded light green and labeled 'Lot Coverage'. The building itself is shaded grey and labeled 'Principal Building'.</p>
<p>Maximum Total Floor Area</p>	<p>NA</p>	

<p>TABLE 2.42.4 - Maximum Building Height (see Figure 2.42.4)</p>		<p>Figure 2.42.4 - Building Height</p>
<p>35 feet</p>		 <p>The diagram illustrates building height measurement. On the left, a 'shed' and a 'detached garage' are shown. On the right, a 'Principal Building' is shown with 'chimneys are exempt'. A vertical line indicates 'Structure Height'. Below the diagram, two measurement methods are defined: 'Pitched Roof Structures (from the midpoint on a pitched roof)' and 'Flat Roof Structures (from highest section of flat roof)'.</p>
<p>3 <u>stories</u></p>		
<p>Minimum Building Height</p>		
<p>2 stories</p>		

<p>Additional Development Standards that Apply</p>		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> • AS-01 - Sec. 4.02 • AS-02 - Sec. 4.03 • AS-03 - Sec. 4.04 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> • ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> • FN-01 - Sec. 4.10 • FN-02 - Sec. 4.11 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> • FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> • HT-01 - Sec. 4.16 • HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> • LA-01 - Sec. 4.20 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> • LT-01 - Sec. 4.21 • LT-02 - Sec. 4.22 <p>Loading (LD)</p> <ul style="list-style-type: none"> • LD-01 - Sec. 4.24 <p>Open Space (OS)</p> <ul style="list-style-type: none"> • OS-01 - Sec. 4.30 <p>Parking (PK)</p> <ul style="list-style-type: none"> • PK-01 - Sec. 4.45 • PK-02 - Sec. 4.46 • PK-03 - Sec. 4.47 • PK-09 - Sec. 4.53 <p>Screening (SC)</p> <ul style="list-style-type: none"> • SC-01 - Sec. 4.54 • SC-06 - Sec. 4.59 	<p>Setback (SB)</p> <ul style="list-style-type: none"> • SB-01 - Sec. 4.60 • SB-05 - Sec. 4.64 <p>Street (ST)</p> <ul style="list-style-type: none"> • ST-01 - Sec. 4.73 <p>Structure (SS)</p> <ul style="list-style-type: none"> • SS-01 - Sec. 4.74 • SS-03 - Sec. 4.76 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> • TU-01 - Sec. 4.84 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> • VC-01 - Sec. 4.89

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2.43 T22 (Transition Zone) District Intent, Permitted Uses, and Special Uses

A. District Intent

1. Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single-family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
2. Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
3. Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
4. Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
5. Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
6. Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

B. Permitted Uses

1. Residential Permitted Uses
 - a. dwelling – attached single family
 - b. dwelling – single family (R3)
 - c. dwelling – multi-family
2. Commercial Permitted Uses
 - a. art gallery
 - b. artisan use
 - c. barber/beauty salon
 - d. bookstore
 - e. boutique
 - f. drugstore
 - g. gift shop/flower shop
 - h. hardware
 - i. jewelry store
 - j. neighborhood convenience store
 - k. office
 - l. tailor

C. Other Use Regulations

1. Accessory Permitted Uses
 - a. family day care home
 - b. home occupation*
 - c. parking – off-street
2. Uses Requiring a Special Land Use Permit
 - a. any permitted commercial use with interior floor area over 3,000 sq. ft. per tenant
 - b. assisted living
 - c. bakery
 - d. bank/credit union with drive-thru
 - e. coffee shop
 - f. essential services
 - g. food and drink establishment
 - h. government office/use

- i. grocery store
- j. health club/studio
- k. independent hospice facility
- l. independent senior living
- m. religious institution
- n. school – private and public
- o. skilled nursing facility
- p. specialty food shop

(Ord. No. [2237](#), 06/12/2017; Ord. No. [2288](#), 10/08/2018)

Effective on: 12/23/2018

2.44 T22 (Transition Zone) District Development Standards T22

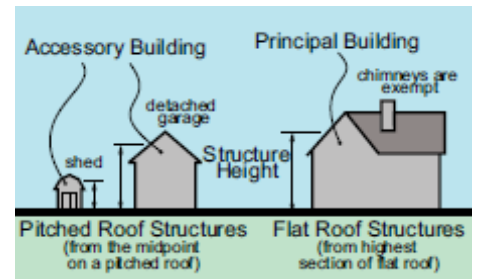
TABLE 2.44.1 - Lot Area (see Figure 2.44.1)		Figure 2.44.1 - Lot Area
Minimum Lot Area	NA	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

TABLE 2.44.2 – Setbacks (see Figure 2.44.2)		Figure 2.44.2 - Setbacks
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 0-5 feet • <u>building facade</u> shall be built to within 5 feet of the <u>front lot line</u> for a minimum of 75% of the <u>street frontage length</u> 	
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet • 20 feet abutting single-family zoning district 	
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 0 feet from interior <u>side lot line</u> • 10 feet from <u>side lot line</u> abutting a single-family district 	

TABLE 2.44.3 - Floor Area (see Figure 2.44.3)		Figure 2.44.3 - Floor Area
Minimum Floor Area Per Unit	NA	
Maximum Total Floor Area	NA	

TABLE 2.44.4 - Maximum Building Height (see Figure 2.44.4)		Figure 2.44.4 - Building Height
30 feet		
2 stories		
Additional		

For sloped roofs, the eave line shall be no more than 24 feet and the roof peak shall be no more than 35 feet
The first story shall be a minimum of 14 feet in height, floor to floor



Additional Development Standards that Apply

Accessory Structure (AS)

- AS-03 - Sec. [4.04](#)
- AS-06 - Sec. [4.07](#)

Essential Services (ES)

- ES-01 - Sec. [4.09](#)

Fences (FN)

- FN-01 - Sec. [4.10](#)

Floodplain (FP)

- FP-01 - Sec. [4.13](#)

Height (HT)

- HT-01 - Sec. [4.16](#)
- HT-03 - Sec. [4.18](#)

Landscaping (LA)

- LA-01 - Sec. [4.20](#)

Lighting (LT)

- LT-01 - Sec. [4.21](#)
- LT-02 - Sec. [4.22](#)

Loading (LD)

- LD-01 - Sec. [4.24](#)

Open Space (OS)

- OS-01 - Sec. [4.30](#)

Outdoor Dining (OD)

- OD-01 - Sec. [4.44](#)

Parking (PK)

- PK-01 - Sec. [4.45](#)
- PK-02 - Sec. [4.46](#)
- PK-03 - Sec. [4.47](#)
- PK-09 - Sec. [4.53](#)

Screening (SC)

- SC-01 - Sec. [4.54](#)
- SC-06 - Sec. [4.59](#)

Setback (SB)

- SB-01 - Sec. [4.60](#)
- SB-06 - Sec. [4.65](#)

Street (ST)

- ST-01 - Sec. [4.73](#)

Structure (SS)

- SS-01 - Sec. [4.74](#)
- SS-10 - Sec. [4.83](#)

Temporary Use (TU)

- TU-01 - Sec. [4.84](#)

Utility (UT)

- UT-01 - Sec. [4.88](#)

Vision Clearance (VC)

- VC-01 - Sec. [4.89](#)

Window (WN)

- WN-01 - Sec. [4.90](#)

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(Ord. No. [2238](#), 06/12/2017)

Effective on: 7/9/2017

2.45 TZ3 (Transition Zone) District Intent, Permitted Uses, and Special Uses TZ3

A. District Intent

1. The TZ3 (Transition Zone) District is established to:

- Provide for a reasonable and orderly transition from, and buffer between commercial uses and predominantly single family residential areas or for property which either has direct access to a major traffic road or is located between major traffic roads and predominantly single-family residential areas.
- Develop a fully integrated, mixed-use, pedestrian-oriented environment between residential and commercial districts by providing for graduated uses from the less intense residential areas to the more intense commercial areas.
- Plan for future growth of transitional uses which will protect and preserve the integrity and land values of residential areas.
- Regulate building height and mass to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
- Regulate building and site design to ensure compatibility with adjacent residential neighborhoods.
- Encourage right-of-way design that calms traffic and creates a distinction between less intense residential areas and more intense commercial areas.

B. Permitted Uses

1. Residential Permitted Uses

- dwelling - attached single family
- dwelling - multiple-family
- dwelling - one-family (R3)

2. Commercial Permitted Uses

- a. art gallery
- b. artisan use
- c. barber shop/beauty salon
- d. bookstore
- e. boutique
- f. drugstore
- g. gift shop/flower shop
- h. hardware store
- i. health club/studio
- j. jewelry store
- k. neighborhood convenience store
- l. office
- m. tailor

C. Other Use Regulations

1. Accessory Permitted Uses

- a. family day care home
- b. home occupation
- c. parking – off-street

2. Uses Requiring a Special Land Use Permit

- a. any permitted commercial use with interior floor area over 4,000 sq. ft. per tenant
- b. assisted living
- c. bakery
- d. bank/credit union with drive-thru
- e. coffee shop
- f. delicatessen
- g. dry cleaning
- h. essential services
- i. food or drink establishment
- j. government office
- k. government use
- l. grocery store
- m. independent hospice facility
- n. independent senior living
- o. parking structure
- p. religious institution
- q. school - private
- r. school - public
- s. skilled nursing facility
- t. specialty food store
- u. veterinary clinic

(Ord. No. 2239, 06/12/2017; Ord. No. 2289, 10/08/2018)

Effective on: 12/23/2018

2.46 T23 (Transition Zone) District Development Standards

TABLE 2.46.1 - Lot Area (see Figure 2.46.1)		Figure 2.46.1 - Lot Area
Minimum Lot Area	NA	
Minimum Open Space	NA	
Maximum Lot Coverage	NA	

TABLE 2.46.2 – Setbacks (see Figure 2.46.2)		Figure 2.46.2 - Setbacks
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 0-5 feet • building facade shall be built to within 5 feet of the front lot line for a minimum of 75% of the street frontage length 	
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 10 feet • 20 feet abutting single-family zoning district 	
Minimum Combined Front and Rear Setback	NA	
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 0 feet • 10 feet from side lot line abutting a single-family district 	

TABLE 2.46.3 - Floor Area (see Figure 2.46.3)		Figure 2.46.3 - Floor Area
Minimum Floor Area Per Unit	NA	
Maximum Total Floor Area	NA	

TABLE 2.46.4 - Maximum Building Height (see Figure 2.46.4)		Figure 2.46.4 - Building Height
42 feet		
4 stories		
Minimum Building Height		
24 feet		
2 stories		
Additional		
For sloped roofs, the eave line shall be no more than 34 feet and the roof peak shall be no more than 46 feet		
The first story shall be a minimum of 14 feet in height, floor to floor		

Additional Development Standards that Apply

Additional Development Standards that Apply		
<p>Accessory Structure (AS)</p> <ul style="list-style-type: none"> AS-03 - Sec. 4.04 AS-06 - Sec. 4.07 <p>Essential Services (ES)</p> <ul style="list-style-type: none"> ES-01 - Sec. 4.09 <p>Fences (FN)</p> <ul style="list-style-type: none"> FN-01 - Sec. 4.10 <p>Floodplain (FP)</p> <ul style="list-style-type: none"> FP-01 - Sec. 4.13 <p>Height (HT)</p> <ul style="list-style-type: none"> HT-01 - Sec. 4.16 HT-03 - Sec. 4.18 <p>Landscaping (LA)</p> <ul style="list-style-type: none"> LA-01 - Sec. 4.20 	<p>Lighting (LT)</p> <ul style="list-style-type: none"> LT-01 - Sec. 4.21 LT-02 - Sec. 4.22 <p>Loading (LD)</p> <ul style="list-style-type: none"> LD-01 - Sec. 4.24 <p>Open Space (OS)</p> <ul style="list-style-type: none"> OS-01 - Sec. 4.30 <p>Outdoor Dining (OD)</p> <ul style="list-style-type: none"> OD-01 - Sec. 4.44 <p>Parking (PK)</p> <ul style="list-style-type: none"> PK-01 - Sec. 4.45 PK-02 - Sec. 4.46 PK-03 - Sec. 4.47 PK-09 - Sec. 4.53 <p>Screening (SC)</p> <ul style="list-style-type: none"> SC-01 - Sec. 4.54 SC-06 - Sec. 4.59 	<p>Setback (SB)</p> <ul style="list-style-type: none"> SB-01 - Sec. 4.60 SB-06 - Sec. 4.65 <p>Street (ST)</p> <ul style="list-style-type: none"> ST-01 - Sec. 4.73 <p>Structure (SS)</p> <ul style="list-style-type: none"> SS-01 - Sec. 4.74 SS-10 - Sec. 4.83 <p>Temporary Use (TU)</p> <ul style="list-style-type: none"> TU-01 - Sec. 4.84 <p>Utility (UT)</p> <ul style="list-style-type: none"> UT-01 - Sec. 4.88 <p>Vision Clearance (VC)</p> <ul style="list-style-type: none"> VC-01 - Sec. 4.89 <p>Window (WN)</p> <ul style="list-style-type: none"> WN-01 - Sec. 4.90

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(Ord. No. [2240](#), 06/12/2017)

Effective on: 7/9/2017

ARTICLE 3: OVERLAY DISTRICTS

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Downtown Birmingham Overlay District

Triangle Overlay District

Activation Overlay District

Downtown Birmingham Overlay District

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3.03 General Standards

3.04 Specific Standards

3.01 Purpose

The purposes of the Downtown Birmingham Overlay District are to:

- Encourage and direct development within the boundaries of the Downtown Birmingham Overlay District and implement the Downtown Birmingham 2016 Plan;
- Encourage a form of development that will achieve the physical qualities necessary to maintain and enhance the economic vitality of Downtown Birmingham and to maintain the desired character of the City of Birmingham as stated in the Downtown Birmingham 2016 Plan;
- Encourage the renovation of buildings; ensure that new buildings are compatible with their context and the desired character of the city; ensure that all uses relate to the pedestrian; and, ensure that retail be safeguarded along specific street frontages; and
- Ensure that new buildings are compatible with and enhance the historic districts which reflect the city's cultural, social, economic, political, and architectural heritage.

3.02 Applicability

- The Downtown Birmingham Overlay District shall be an overlay district that applies over the existing zoning districts.

- B. Use and development of land within the Downtown Birmingham Overlay District shall be regulated as follows:
1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Downtown Birmingham Overlay District.
 2. Where the usage within an existing building is proposed to be expanded by more than 50% of the existing size, the new use shall be subject to the building use standards of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Downtown Birmingham Overlay District and shall be brought into compliance with the requirements of the Downtown Birmingham Overlay District to the maximum extent practical, as determined by the Planning Board.
 4. Where a new building is proposed, the use and site shall be subject to the requirements of the Downtown Birmingham Overlay District.
- C. Development applications within the Downtown Birmingham Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in [Article 7](#).
- D. A Downtown Birmingham Overlay District Regulating Plan has been adopted that divides the Downtown Birmingham Overlay District into zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:
- D2 Zone: Downtown Two or Three Stories
 - D3 Zone: Downtown Three or Four Stories
 - D4 Zone: Downtown Four or Five Stories
 - D5 Zone: Downtown Over Five Stories
 - C Zone: Community Use
 - P Zone: Parking

3.03 General Standards

- A. The design of buildings and sites shall be regulated by the provisions of the Downtown Birmingham Overlay District.
- B. Section [3.01](#) to Section [3.04](#) shall govern the design of all privately owned land within the Downtown Birmingham Overlay District.
- C. The provisions of the Downtown Birmingham Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- D. The provisions of the Downtown Birmingham Overlay District shall specifically supersede the floor-area-ratio, maximum height, band minimum setback regulations contained in each two-page layout in [Article 2](#) of the Zoning Ordinance.
- E. The provisions of the building and building regulations Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of the Birmingham City Code, when in conflict with the Downtown Birmingham Overlay District, shall take precedence.
- F. The design of community buildings and improvements shall not be subject to the specific standards of this article, but shall be subject to design review by the Planning Board.
- G. Locations designated on the Regulating Plan for new parking garages and civic buildings shall be reserved for such development.

3.04 Specific Standards

- A. **Building Height, Overlay:** The various elements of building height shall be determined as follows for the various zones designated on the Regulating Plan:
1. D2 Zone (two or three stories):
 - a. Eave line for sloped roofs shall be no more than 34 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 46 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 56 feet.
 - d. A third story is permitted if it is used only for residential.
 - e. All buildings in D2 Zone containing a third story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.

- f. A third story shall continue in a different plane, beginning at the eave line, not greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
 - g. All buildings constructed in the D2 Zone shall have a minimum eave height or 20 feet.
2. D3 Zone (three or four stories):
- a. Eave line for sloped roofs shall be no more than 46 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 58 feet as measured to the average grade.
 - c. Maximum overall height including the mechanical and other equipment shall be no more than 68 feet.
 - d. A fourth story is permitted if it is used only for residential.
 - e. All buildings in D3 Zone containing a fourth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fourth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or setback 10 feet from any building facade.
 - g. All buildings constructed in a D3 Zone shall contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
3. D4 Zone (four or five stories):
- a. Eave line shall be no more than 58 feet.
 - b. Peak or ridge of any sloped roof shall be no more than 70 feet as measured to the average grade.
 - c. Maximum overall height including mechanical and other equipment shall be no more than 80 feet.
 - d. The fifth story is permitted if it is used only for residential.
 - e. All buildings containing a fifth story should be designed harmoniously with adjacent structures in terms of mass, scale and proportion, to the best extent possible.
 - f. The fifth story shall continue in a different plane, beginning at the eave line, no greater than 45 degrees measured to the horizontal or set back 10 feet from any building facade.
 - g. All buildings constructed in the D4 Zone shall contain a minimum of 2 stories and must have a minimum eave height of 20 feet.
4. D5 Zone (over 5 stories):
- a. All existing buildings located in the D5 Zone on November 1, 2016 are deemed legal, conforming buildings with regards to setbacks, number of stories and height.
 - b. All existing buildings located in this zone district on November 1, 2016 may be extended or enlarged only if the property owner elects to develop the extended or enlarged portion of the building under the provisions of the Downtown Birmingham Overlay District and the extension or enlargement meets all of the requirements of the Downtown Birmingham Overlay District and the D4 Zone.
 - c. New buildings constructed or additions to existing buildings in the D5 Zone must meet the requirements of the Downtown Birmingham Overlay District and the D4 Zone, except that the height of any addition and new construction in the D5 Zone may be over the maximum building height up to, but not exceeding, the height of an existing building on a directly abutting D5 Zone property if the property owner agrees to the construction of the building under the provisions of a Special Land Use Permit. For the purposes of this section, private properties separated by public property (including public right-of-way and public vias), will not be deemed abutting.
5. C and P Zone: Downtown Birmingham Overlay District building height shall comply with the underlying height restrictions listed in each two-page layout in Article 2 of the Zoning Ordinance, but may be negotiated by the Planning Board.
6. Stories at sidewalk level shall be a minimum of 10 feet in height from finished floor to finished ceiling. The Planning Board may reduce this standard for renovations to existing buildings that do not meet this standard.
7. A transition line shall be provided between the first and second stories. The transition shall be detailed to facilitate an awning.
8. The maximum width of all dormers per street elevation on buildings may not exceed 33% of the width of the roof plane on the street elevation on which they are located.
- B. Building Placement: Buildings and their elements shall be placed on lots as follows:
1. Front building facades at the first story shall be located at the frontage line, except the Planning Board may adjust the required front yard to the average front setback of any abutting building.

2. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be between 2.5 and 3.5 feet in height and made of brick, stone or other masonry material matching the building. Upon approval by the Planning Board, screenwalls may be a continuous, maintained evergreen hedge or metal fencing. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access.
 3. Side setbacks shall not be required.
 4. A minimum of 10 foot rear yard setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building.
 5. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid the street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
 6. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window, encroaches upon the frontage line no more than 3 feet, and is not used as a backlit sign.
 7. Loading docks and service areas shall be permitted only within rear yards. Doors for access to interior loading docks and service areas shall not face a public street.
 8. All buildings shall have their principal pedestrian entrance on a frontage line.
- C. Building Use: Buildings shall accommodate the following range of uses for the various designations on the Regulating Plan of the Downtown Birmingham Overlay District:
1. Uses shall be limited to those allowed in each underlying zoning district, unless otherwise specifically provided for herein.
 2. The following uses and conditions are prohibited:
 - a. Automatic food and drink vending machines outdoors;
 - b. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
 - c. Outdoor advertising.
 3. Community uses (C).
 4. Those sites designated as parking uses (P) on the Regulating Plan shall be premises used primarily for parking, except retail frontages shall be encouraged at the first floor level.
 5. Those sites designated D2 Zone, D3 Zone, or D4 Zone on the Regulating Plan may be used for any commercial, office or residential use as allowed in the underlying zoning district. Upper story uses may be commercial, office or residential, provided that no commercial or office use shall be located on a story above a residential use.
 6. Buildings that have frontage along the required retail frontages, as specified on the Regulating Plan, shall consist of retail with a minimum depth of 20 feet from the frontage line within the first story. Lobbies for hotels, offices, and multiple-family dwellings may be considered as part of the required retail frontage, provided that any such lobby occupies no more than 50% of the frontage of said building.
 7. Retail, office or residential uses are required to have minimum depth of 20 feet from the frontage line on all stories. The remaining depth may be used for off-street parking. Parking access on a frontage line shall be an opening a maximum of 25 feet wide. Openings for parking garage access shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent streetscape.
 8. In any D2 Zone, D3 Zone, or D4 Zone, the first floor shall consist of retail with a minimum depth of 20 feet from the frontage line where designated on the Regulating Plan as a retail frontage line in conformance with Section 3.04(C) (5) and Section 3.04(C)(6).
 9. Office use is limited to one story, except:
 - a. In any D3 Zone or D4 Zone, a two-story building dedicated to office use is permissible; and
 - b. In a D4 Zone, two stories may be dedicated to office use when the Planning Board permits a fifth story.
 10. Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 - a. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats;
 - b. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 - c. No dance area is provided;
 - d. Only low key entertainment is permitted;
 - e. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;

- f. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 - g. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 - h. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - i. Enclosures facilitating year round dining outdoors are not permitted.
 - j. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 - k. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
11. Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development, are permitted with a valid Special Land Use Permit only on those parcels on Woodward Avenue identified on Exhibit 1; Appendix C.

D. Parking requirements.

- 1. For all nonresidential uses located within the parking assessment district, parking on the site shall not be required, provided such site is in full compliance with the requirements of the parking assessment district.
- 2. For all residential uses located within the parking assessment district, the on-site parking requirements contained in Section 4.46, Section 4.49, Section 4.50 and Section 4.51 may be complied with through leasing the required spaces from an off-site parking area, provided the requirements of Section 4.45(G) are met and all parking is supplied on site or within 300 feet of the residential lobby entrance of the building
- 3. For all sites located outside of the parking assessment district, off-street parking must be provided in accordance with the requirements of Article 4 for parking, loading and screening.
- 4. Notwithstanding the above regulations, residential dwelling units within the existing second and third floors of landmark buildings, as defined in Section 62-87 of the Birmingham City Code, located within the central business historic district are exempt from required off-street parking requirements.
- 5. Off-street parking contained in the first story shall not be permitted within 20 feet of any building facade on a frontage line or between the building facade and the frontage line.
- 6. The placement of two abutting off-street parking lots with continuous street frontages shall not be permitted.

E. Architectural standards. All buildings shall be subject to the following physical requirements:

- 1. At least 90% of the exterior finish material on all facades that face a street shall be limited to the following: glass, brick, cut stone, cast stone, coarsely textured stucco, or wood. Dryvit or E.F.I.S is prohibited.
- 2. The primary colors of building exteriors shall be compatible with the colors of adjacent buildings and in character with the surrounding area, although the trim may be of a contrasting color.
- 3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
- 4. Storefronts shall be directly accessible from public sidewalks. Each storefront must have transparent areas, equal to 70% of its portion of the facade, between one and eight feet from the ground. The wood or metal armature (structural elements to support canopies or signage) of such storefronts shall be painted, bronze, or powder-coated.
- 5. Storefronts shall have mullion systems, with doorways and signage integrally designed. Mullion systems shall be painted, powder-coated, or stained.
- 6. The glazed area of a facade above the first floor shall not exceed 35% of the total area, with each facade being calculated independently.
- 7. Clear glazing is required on the first floor. Lightly tinted glazing is permitted on upper floors only. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
- 8. Facade openings, including porches, windows, and colonnades, shall be vertical in proportion.
- 9. Sliding doors and sliding windows are prohibited along frontage lines.
- 10. (Reserved for future use.)

11. Cantilevered mansard roofs are prohibited.
12. Balconies, railings, and porch structures shall be glass, metal, wood, cast concrete, or stone. All materials must be compatible with each other and with the building, as determined by the Planning Board, Design Review Board or Historic District Commission.
13. Facades may be supplemented by awnings, which shall be straight sheds without side flaps, not cubed or curved. Awnings shall be between 8 and 12 feet above sidewalk grade at the lower drip edge.
14. Outside dining tables and chairs shall be primarily metal, wood, or similar material. Plastic outside dining tables and chairs shall be prohibited.
15. Any building that terminates a view, as designated on the Regulating Plan, shall provide distinct and prominent architectural features of enhanced character and visibility, which reflect the importance of the building's location and create a positive visual landmark.
16. Flat roofs shall be enclosed by parapets. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way in accordance with the regulations set forth in Section [4.16](#), Section [4.18](#), and Section [4.54](#).

(Ord. No. [2242](#), 07/24/2017; Ord. No. [2307](#), 02/11/2019; Ord. No. [2310](#), 09/17/2018; Ord. No. [2322](#), 06/24/2019; Ord. No. [2342](#), 01/13/2020)

Effective on: 2/2/2020

Triangle Overlay District

Contents:

3.05 Purpose

3.06 Applicability

3.07 Permitted Uses and Special Uses

3.08 Height and Placement Requirements

3.09 Commercial/Mixed Use Architectural Requirements

3.10 Attached Single-Family Residential Architectural Requirements

3.11 Modifications to Architectural Requirements

3.12 Streetscape Design Requirements

3.05 Purpose

The purposes of the Triangle Overlay District are to:

- A. Develop a fully integrated, mixed-use, pedestrian-oriented environment with buildings containing commercial, residential and office uses, similar to the downtown character west of Woodward Avenue.
- B. Create a synergy of uses within the Triangle Overlay District to support economic development and redevelopment in accordance with the recommendations of the Triangle District Urban Design Plan.
- C. Minimize traffic congestion, inefficient surface parking lots, infrastructure costs and environmental impacts by promoting a compact, mixed-use, pedestrian-friendly district.
- D. Regulate building height to achieve appropriate scale along streetscapes to ensure proper transition to nearby residential neighborhoods.
- E. Create a definable sense of place for the Triangle Overlay District with a pedestrian oriented, traditional urban form with bold innovations in architecture.

3.06 Applicability

- A. The Triangle Overlay District shall be an overlay district that applies over the existing zoning districts. Use and development of land within the Triangle Overlay District shall be regulated as follows:
 1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Triangle Overlay District.
 2. Where a new use is established within an existing building, the use shall be subject to the requirements of the Triangle Overlay District and the site shall be brought into compliance with the requirements of the Triangle Overlay

District to the maximum extent practical, as determined by the Building Official at the time of reviewing the application for a Zoning Ordinance Compliance Permit.

3. Any expansion to an existing use or building that requires site plan approval from the Planning Board shall be subject to the requirements of the Triangle Overlay District and shall be brought into compliance with the requirements of the Triangle Overlay District.
 4. Where a new building is proposed, the use and site shall be subject to the requirements of the Triangle Overlay District.
- B. Development applications within the Triangle Overlay District shall be required to follow the Site Plan and Design Review standards contained in [Article 7](#).
- C. The provisions of the Triangle Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- D. The provisions of the Triangle Overlay District shall specifically supersede the floor area ratio, maximum height, and setback regulations contained in each two-page layout in [Article 2](#) of the Zoning Ordinance.
- E. A Triangle Overlay District Regulating Plan has been adopted that divides the Triangle Overlay District into four zones. Each zone designated on the Regulating Plan prescribes requirements for building form, height and use as follows:
- ASF3: Attached Single-Family 3
 - MU3: Mixed Use 3
 - MU5: Mixed Use 5
 - MU7: Mixed Use 7

3.07 Permitted Uses and Special Uses

Use and development of land and buildings shall only be for the following specified uses, unless otherwise provided for in the [Triangle Overlay District](#).

Table 3.07 Triangle Overlay District Land Use Matrix

Land Use	Zones on Regulating Plan			
	ASF3	MU3	MU5	MU7
Commercial				
Alcoholic beverage sales	-	A*	A*	A*
Alcoholic beverage sales (off-premise consumption)	-	A*	A*	A*
Alcoholic beverage sales (on-premise consumption)	-	S	S	S
Any use incidental to <u>principal use</u>	A	A	A	A
Art gallery	-	P	P	P
Artisan use	-	P	P	P
Auto sales agency	-	-	S	S
Auto show room	-	-	S	S
Bakery	-	P	P	P
Bank (with drive- through facilities)	-	S	S	S
Bank (without drive-through facilities)	-	P	P	P
Barber shop/beauty salon	-	P	P	P
Bistro	-	S	S	S
Boutique	-	P	P	P
Catering	-	P	P	P
Child care center	P	P	P	P
Clinic	-	P	P	P
Clothing store	-	P	P	P
Coffee shop	-	P	P	P
P = Permitted Use A = Accessory Use S = Special Land Use Permit R = Regulated Use * = Use Specific Standards Apply - = Not Permitted				

Table 3.07 Triangle Overlay District Land Use Matrix

Land Use	Zones on Regulating Plan			
	ASF3	MU3	MU5	MU7
Dance hall	-	R*	R*	R*
Delicatessen	-	P	P	P
Department store	-	P	P	P
Drive-in facility accessory to a permitted retail business, excluding restaurants	-	S	S	S
Drug store	-	P	P	P
Dry cleaning	-	P	P	P
Establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development (only permitted on those parcels identified on Exhibit 1 ; Appendix C)	-	S	S	S
Fence	-	P	P	P
Food or drink establishment	-	P	P	P
Funeral home	-	S	S	S
Furniture	-	P	P	P
Gasoline full-service station	-	-	S	S
Gasoline service station	-	-	S	S
Gift shop/flower shop	-	P	P	P
Grocery store	-	P	P	P
Hardware store	-	P	P	P
Health club/studio	-	P	P	P
Home occupation	P	P	P	P
Hotel	-	P	P	P
Interior design shop	-	P	P	P
Jewelry store	-	P	P	P
Laundry	-	P*	P*	P*
Leather and luggage goods shop	-	P	P	P
Medical/dental office	-	P	P	P
Motel	-	P	P	P
Neighborhood convenience store	-	P	P	P
Office	-	P	P	P
Outdoor cafe	-	P	P	P
Paint	-	P	P	P
Party store	-	P	P	P
Pharmacy	-	P	P	P
Photography studio	-	P	P	P
Pool or billiard hall	-	R*	R*	R*
Restaurant	-	P	P	P
Retail fur sales cold storage facility	-	A	A	A
Retail photocopying	-	P	P	P
School - business	-	P	P	P
Shoe repair	-	P	P	P
Sign	A	A	A	A
Specialty food store	-	P	P	P
Specialty home furnishing shop	-	P	P	P
Tailor	-	P	P	P

P = Permitted Use
A = Accessory Use
S = Special Land Use Permit
R = Regulated Use
*** = Use Specific Standards Apply**
- = Not Permitted

Table 3.07 Triangle Overlay District Land Use Matrix				
Land Use	Zones on Regulating Plan			
	ASF3	MU3	MU5	MU7
Theater	-	P	P	P
Tobacconist	-	P	P	P
Institutional				
College	-	P	P	P
Government office	P	P	P	P
Government use	P	P	P	P
Essential services	P	P	P	P
Parking - off-street	A	A	A	A
Parking structure	A	S	P	P
Religious institution	S	S	S	S
School - private	P	P	P	P
School - public	P	P	P	P
Social club	-	S	P	P
Recreational				
Indoor recreational facility	-	P	P	P
Park	P	P	P	P
Recreation clubs	-	P	P	P
Residential				
Single-family attached	P	P	P	-
Dwelling - multiple family	-	P	P	P
Live/work unit	P	P	P	-
Dwellings above the first floor in commercial buildings	-	P	P	P
P = Permitted Use A = Accessory Use S = Special Land Use Permit R = Regulated Use * = Use Specific Standards Apply - = Not Permitted				

(Ord. No. [2256](#), 11/20/2017; Ord. No. [2257](#), 11/20/2017; Ord. No. [2258](#), 11/20/2017; Ord. No. [2290](#), 10/08/2018)

Effective on: 12/23/2018

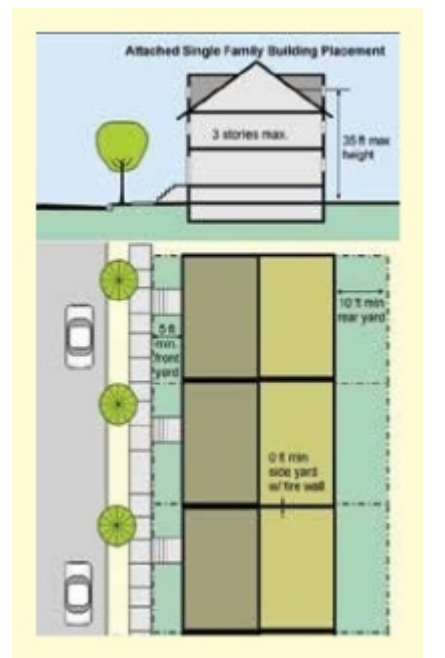
3.08 Height and Placement Requirements

The following tables delineate the height, bulk, and setback requirements pertaining to the districts regulated by the Triangle Overlay District.

A. SF3 District Development Standards:

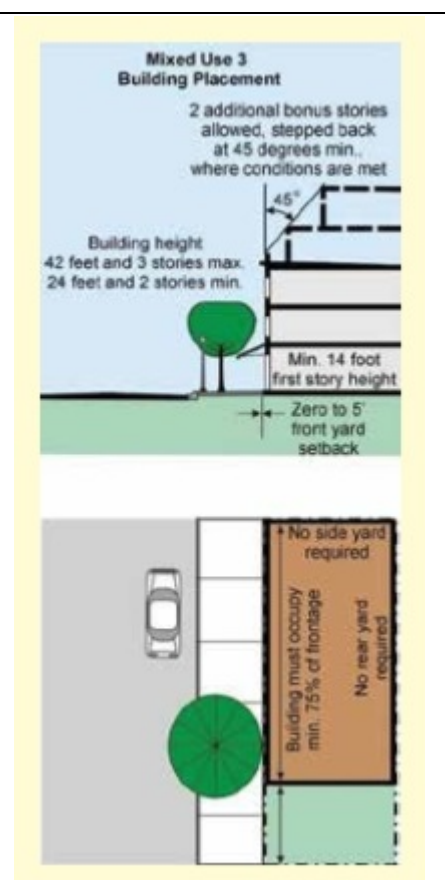
SF3 District Development Standards	
Minimum <u>Lot Area Per Unit</u>	<ul style="list-style-type: none"> 1,280 square feet
Minimum <u>Lot Width</u>	<ul style="list-style-type: none"> NA
Minimum <u>Front Yard Setback</u>	<ul style="list-style-type: none"> 5 feet for single-family attached Zero for live-work units

Minimum Side Yard Set-back	<ul style="list-style-type: none"> No side yard between units 10 feet from side street on corner lot 9 feet from single-family lot
Minimum Rear Yard Setback	<ul style="list-style-type: none"> 10 feet for principal buildings
Building Height	<ul style="list-style-type: none"> 2 stories minimum 3 stories maximum 35-foot maximum building height



B. MU3 District Development Standards:

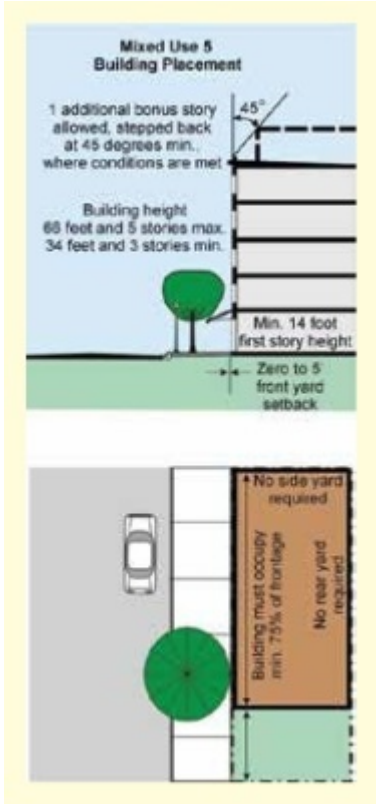
MU3 District Development Standards	
Minimum Lot Area	<ul style="list-style-type: none"> NA
Minimum Lot Width	<ul style="list-style-type: none"> NA
Front Yard and Building Frontage Requirements	<ul style="list-style-type: none"> Zero minimum front yard setback 5-foot maximum front yard The building façade shall be built-to within 5 feet of the front lot line for a minimum of 75% of the street frontage length See Section 3.08(F)
Minimum Side Yard Setback	<ul style="list-style-type: none"> A zero side setback with walls facing side lot line that do not contain windows 10 feet for walls that contain windows 20 feet adjacent to single-family residential zoning district
Minimum Rear Yard Setback	<ul style="list-style-type: none"> 10 feet 20 feet adjacent to single-family residential zoning district



<p>Building Height</p>	<ul style="list-style-type: none"> • 24-foot and 2 stories minimum building height • 42-foot and 3 stories maximum building height • For sloped roofs, the eave line shall be no more than 34 feet and the roof peak shall be no more than 46 feet • Additional 24 feet and/or 2 stories of building height allowed if requirements of Section 3.08(E) are met • The first story shall be a minimum of 14 feet in height, floor to floor
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C. MU5 District Development Standards:

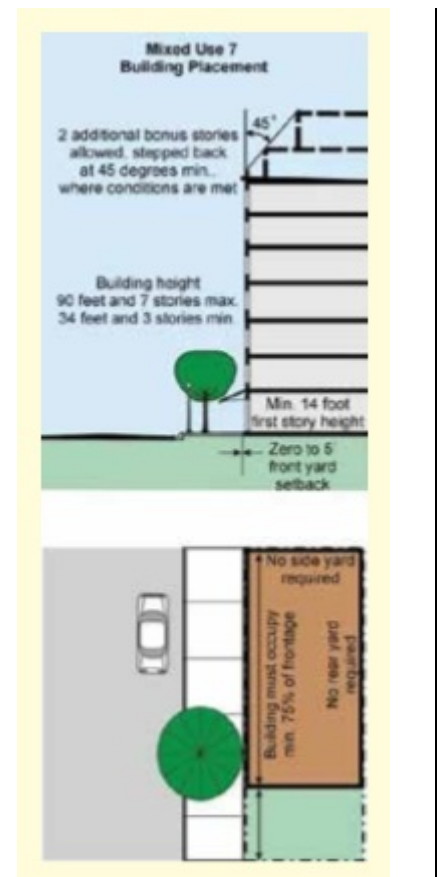
<p>MU5 District Development Standards</p>	
<p>Minimum Lot Area</p>	<ul style="list-style-type: none"> • NA
<p>Minimum Lot Width</p>	<ul style="list-style-type: none"> • NA
<p>Front Yard and Building Frontage Requirements</p>	<ul style="list-style-type: none"> • Zero minimum front yard setback • 5-foot maximum front yard • The building façade shall be built-to within 5 feet of the front lot line for a minimum of 75% of the street frontage length • See Section 3.08(F)
<p>Minimum Side Yard Set- back</p>	<ul style="list-style-type: none"> • A zero side setback with walls facing side lot line that do not contain windows • 10 feet for walls that contain windows
<p>Minimum Rear Yard Setback</p>	<ul style="list-style-type: none"> • NA
<p>Building Height</p>	<ul style="list-style-type: none"> • 34-foot and 3 stories minimum building height • 66-foot and 5 stories maximum building height • For sloped roofs, the eave line shall be no more than 58 feet and the roof peak shall be no more than 70 feet • Additional 12 feet and/or 1 story of building height allowed if requirements of Section 3.08(E) are met • The first story shall be a minimum of 14 feet in height, floor to floor



D. MU7 District Development Standards:

<p>MU7 District Development Standards</p>	
<p> </p>	<p> </p>

Minimum Lot Area	<ul style="list-style-type: none"> • NA
Minimum Lot Width	<ul style="list-style-type: none"> • NA
Front Yard and Building Frontage Requirements	<ul style="list-style-type: none"> • Zero minimum front yard setback • 5-foot maximum front yard • The building façade shall be built-to within 5 feet of the front lot line for a minimum of 75% of the street frontage length • See Section 3.08(F)
Minimum Side Yard Set- back	<ul style="list-style-type: none"> • A zero side setback with walls facing side lot line that do not contain windows • 10 feet for walls that contain windows
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • NA
Building Height	<ul style="list-style-type: none"> • 34-foot and 3 stories minimum building height • 90-foot and 7 stories maximum building height • For sloped roofs, the eave line shall be no more than 82 feet and the roof peak shall be no more than 94 feet • Additional 24 feet and/or 2 stories of building height allowed if requirements of Section 3.08(E) are met • The first story shall be a minimum of 14 feet in height, floor to floor



E. **Additional Building Height:** Buildings or portions of buildings that are 100 feet or more from a single-family residential zoning district may have the additional building height (in number of stories and/or feet of height) noted in Section [3.08B](#), Section [3.08C](#), and Section [3.08D](#) where 2 or more of the following are provided as part of the development. Additional stories shall be stepped back at a 45-degree angle from the top story allowed by right without the height bonus.

1. A multi-level parking structure that offers parking available to the public at the rate of one parking space available to the public for every 300 square feet of building floor area allowed in the additional stories. Where additional building height is proposed without additional stories, then the parking shall be based upon the building floor area in the top floor. The applicant may provide payment-in-lieu to the City for construction of parking in a public parking deck at an offsite location. Parking rates will be calculated as follows:
 - a. The rate of \$27,500 per space to match the current cost per above-ground structured parking space in 2018.
 - b. Starting July 1st, 2019, the rate of payment per parking space shall be increased by 3 percent each year.
2. Dedication of an improved public plaza with an area that is at least equal to 25% of the additional floor area of building area allowed in the additional stories. Where additional building height is proposed without additional stories, then public plaza space shall be based upon 25% of the building floor area on the top floor. The location and design of the plaza shall be approved by the Planning Board and shall be in accordance with the Triangle District Urban Design Plan.
3. A mixed use building that provides residential dwelling units above first-floor commercial where a minimum of 50% of the buildings floor area is residential.
4. Leadership in Energy and Environmental Design (LEED) building design, accredited based upon the rating system of the United States Green Building Council.

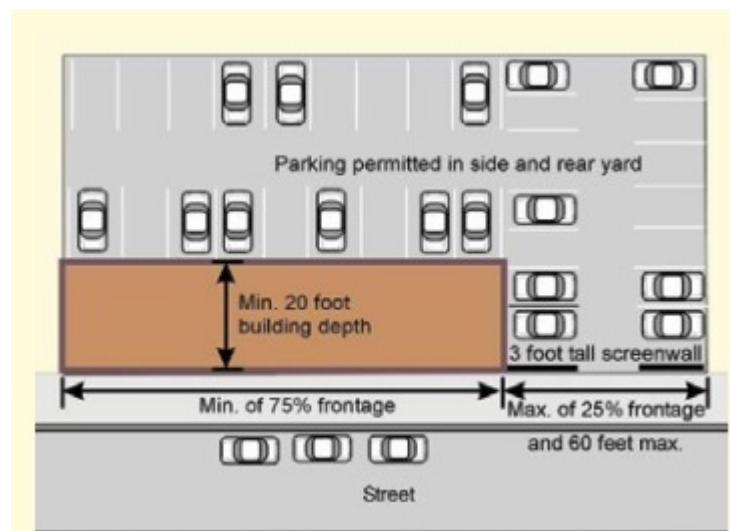
5. Transfer of development rights for additional floor area that zoning would permit on a site containing an historic building or resource designated under Section 127 of the Birmingham Code. The development rights shall be dedicated through recording a conservation easement on the designated historic resource, which shall be reviewed and approved by the Historic District Commission.

F. MU3, MU5 and MU7 Front Yard Building Setback Exceptions: In the MU3, MU5 and MU7 Districts, 75% of the length of the ground level street-facing façade of the building must be built within 5 feet of the front lot line. The precise setback between 0 and 5 feet shall be consistent with the front building line along the block, or as determined by the Planning Board where a clear setback doesn't exist. The Planning Board may grant exceptions to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below.

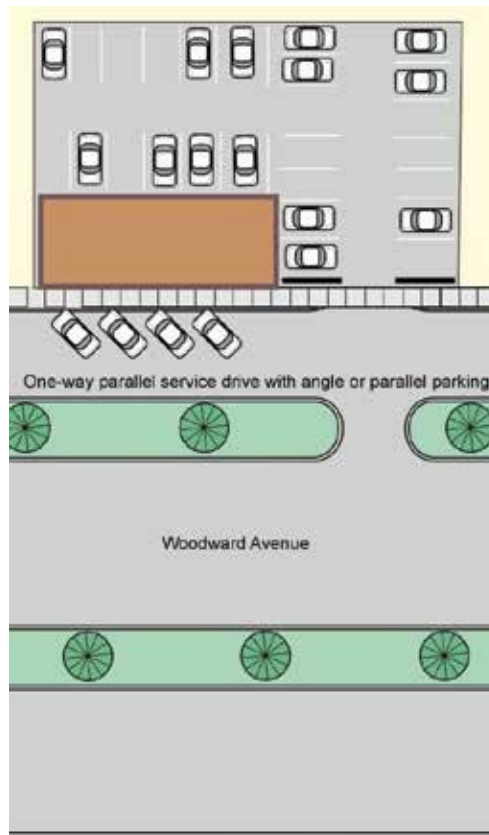
1. Widening the sidewalk along the frontage of the building.
2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
3. Providing outdoor seating for the proposed use.

G. Parking: Parking lots shall meet the following requirements:

1. Parking lots (not located in the road right-of-way) are permitted only in side and rear yards as follows:
 - a. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 25% of the total site's frontage or 60 feet, whichever is less, shall be occupied by parking lot.
 - b. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less, and the building shall be located at the corner of the lot adjacent to the intersection.
 - c. For a double frontage lot or a lot that has frontage on 3 streets, the cumulative total of all frontages occupied by parking shall be no more than 35% of the total site's frontage or 60 feet, whichever is less.



2. Where an off-street parking lot is visible from a street, it shall be screened by a 3 foot tall screenwall located between the parking lot and the sidewalk, meeting the requirements of Section 4.50. Where a parking lot is adjacent to a single-family residential district, a 6 foot tall brick screenwall meeting the requirements of Section 4.50 shall be provided between the parking lot and the residential use.
3. Along Woodward Avenue, a single row of parking shall be permitted along the entire front of the building, which may be located within the road right-of-way. The parking may be angled or parallel with a one-way circulation aisle only. There shall be a minimum 7-foot wide sidewalk between the parking and the building.



4. Parking structures shall only be permitted where there is usable building space for a portion of the ground level along the street frontage. Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length. For a multi-level parking structure, the Planning Board may allow the parking structure above the first floor of the building to occupy the frontage; provided the façade of the parking structure is integrally designed with the architecture of the overall building, utilizes the same building materials and has wall openings that provide proportions, and rhythm that are compatible with building upper story fenestration.
5. Each use shall provide the parking required by the off street parking space requirements, except as provided for in this Section. Off street parking shall be provided for within 300 feet of the building being served.
6. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for that use, provided the streetscape is improved to meet the requirements of Section [3.12](#).
7. Because the Triangle Overlay District is intended to encourage pedestrian/transit friendly design and compact mixed-use development that requires less reliance on automobiles, the parking required by Section [4.43](#) may be reduced or waived by the Planning Board as follows:
 - a. Providing shared parking whereby the Planning Board may reduce the total parking required by multiple uses by up to 50% under Section [4.42\(G\)\(4\)](#).
 - b. By payment of a special assessment levied against the entire building site where the special assessment district has been created for purposes of constructing a municipal parking facility under Section [4.42\(G\)\(5\)](#).
8. Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts.

(Ord. No. [2300](#), 11/19/2018)

Effective on: 12/9/2018

3.09 Commercial/Mixed Use Architectural Requirements

Mixed-use buildings that contain non-residential uses on the ground floor and residential in upper floors and all non-residential buildings shall meet the following architectural design requirements. It is not the intent of this section to regulate architectural style of buildings or limit creativity, but to ensure the necessary functional and design elements to create and foster a mixed-use, pedestrian-oriented environment are incorporated into all building designs. Buildings

should respect the existing architectural style of the area while evolving a more "bold" approach towards contemporary design.

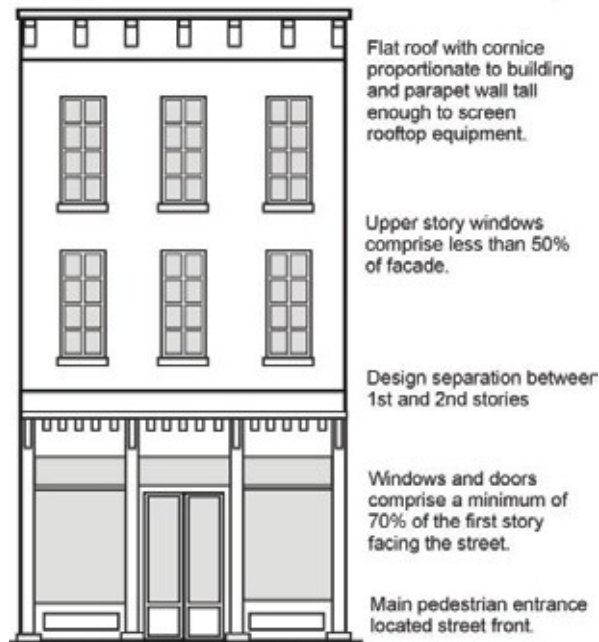
A. **Front Façade Requirements:** Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.

1. Blank walls longer than 20 feet shall not face a public street.
2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
3. For buildings longer than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up.
4. Garage doors shall not be permitted on a front façade.

B. **Windows and Doors:**

1. **Storefront/Ground Floor.** Ground floors shall be designed with storefronts that have windows, doorways and signage, which are integrally designed and painted. No less than 70% of the storefront/ground floor façade between 1 and 8 feet above grade shall be clear glass panels and doorway. Glass areas on storefronts shall be clear glazing on the first floor. Clear glazing or lightly tinted glazing is permitted on upper floors. Mirrored glass is prohibited. Required window areas shall be either windows that allow views into retail space, working areas or lobbies, pedestrian entrances, or display windows set into the wall. Windows shall not be blocked with opaque materials or the back of shelving units or signs. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.
2. **Entranceway.** The front entranceway shall be inset 3 feet from the front building wall.
3. **Upper Stories.** Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.

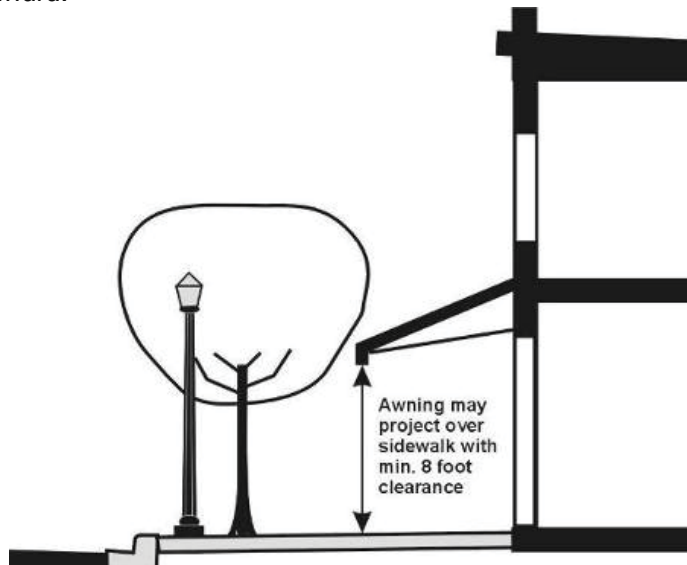
The following example is intended to illustrate the application of the design standards in this ordinance. It shall not be interpreted as requiring a specific architectural style or limit innovations in design.



C. **Roof Design:**

1. Unless otherwise approved by the Planning Board, buildings should have flat roof appearance from the street with a decorative cornice that is designed proportionate to the size of the building and length of the wall.
2. The Planning Board may permit a pitched roof; however, mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
3. Flat roofs shall be enclosed by parapets.
4. All rooftop mounted equipment shall be screened from view on all sides of the building.
5. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.

- D. **Building Materials:** The following exterior finish materials are required on the front façade and any façade facing a street, plaza, park or parking area. These requirements do not include areas devoted to windows and doors.
1. All walls exposed to public view from the street, or parking area shall be constructed of not less than 60% brick, stone or glass. Panel brick and tilt-up brick textured paneling shall not be permitted.
 2. The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.
 3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.
- E. **Awnings:** Storefronts may be supplemented by awnings, which give shade and shelter or add color and visual interest to the entry or display window of the storefront, provided that the following conditions are met:
1. Awnings may project over the public sidewalk with a minimum 8 foot clearance provided from the sidewalk, but must be a minimum of 5 feet from the street curb.
 2. Awnings shall be positioned immediately above the ground floor window area of the façade and have a straight shed that projects from the building at a straight angle with open sides.
 3. Awnings shall be constructed of a durable, material such as canvas or steel that will not fade or tear easily. Plasticized, rigid, cubed or curved awnings or mansard style canopies are prohibited.
 4. Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.



- F. **Corner Buildings:** Buildings situated at a corner shall possess a level of architectural design that incorporates accents and details that accentuate its prominent location, particularly at intersections created by the angle of Woodward Avenue and the grid street network. This can be accomplished through height projections incorporated into a design feature such as a building peak, tower, or similar accent with the highest point located at the intersecting corner, which may be up to an additional 10 feet above the height limit. The building architecture can be designed to focus on accentuating the geometry of the corner location. Alternatively, a pedestrian plaza may be provided at the corner of the intersecting streets. A main entrance must be on a street-facing wall and either at the corner or within 25 feet of the corner.

(Ord. No. [2243](#), 07/24/2017)

Effective on: 8/20/2017

3.10 Attached Single-Family Residential Architectural Requirements

Attached single-family residential dwellings and live/work units shall meet the following architectural design requirements:

A. Front Façade:

1. All residential units shall provide a pedestrian door facing the front lot line.
2. All dwellings shall include a front porch with steps. The porch shall have a minimum depth of 4 feet and a minimum area of 24 square feet.

3. The first floor elevation shall be between 2 feet and 6 feet above the exterior sidewalk elevation in front of the building.
4. The front façade of all residential units shall be at least 25% windows or doors.
5. The requirement for a front porch and elevated first floor in Section [3.10\(A\)2](#) and Section [3.10\(A\)3](#) shall not apply to live/work units where the first floor façade is designed as a storefront meeting the requirements of Section [3.09\(B\)1](#).



- B. Building Materials: All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood, and fiber cement siding. Vinyl siding is prohibited.
- C. Attached Garages: Garages shall be located in the rear yard and may be accessed by a rear alley or from a side street. The Planning Board may permit garage doors on the front façade where the lot depth will not permit a rear alley; provided the front of the garage does not project closer to the street than the wall of the livable portion of the dwelling and the garage does not occupy more than 50% of the total length of the street-facing building façade and the door is a maximum of 8 feet wide with a minimum 8 inch column between doors.
- D. Detached Accessory Buildings: Detached garages and other accessory buildings located in the rear yard shall be setback a minimum of 3 feet from the rear and side lot lines and shall have a maximum height of 15 feet to the midpoint of the peak and eave.

3.11 Modifications to Architectural Requirements

The Planning Board may approve deviations to the architectural requirements of Section [3.09](#) and Section [3.10](#) in order to allow for creativity and flexibility in design. A front elevation drawing of the proposed building shall be provided superimposed on a color drawing or photograph of the entire block showing the relation of the proposed building design to other buildings along the block, which shall be utilized to evaluate the proposed building design based upon all of the following criteria:

- A. Demonstrates innovation in architectural design, provided the building design shall be in keeping with the desired character of the Triangle Overlay District, as articulated in the Triangle District Urban Design Plan.
- B. The building is oriented towards the front sidewalk with a functioning entrance and enhances the continuity of the pedestrian oriented environment. A modification shall not result in an increased dominance of vehicular parking or garage doors along the front of the building.
- C. The roof design shall not be out of character with other buildings along the block and shall be within the minimum and maximum height requirements of the district.
- D. The exterior finish materials shall be of equal or better quality and durability as those permitted herein, with the intent to allow for new technologies in building material while maintaining the desired character of the Triangle Overlay District.
- E. Ground floor windows shall be provided along the front sidewalk to maintain the pedestrian orientation of the streetscape and upper story windows shall not be incompatible with the rhythm and proportions of windows on other buildings along the block.

3.12 Streetscape Design Requirements

- A. Street Design Standards: All streets shall be constructed to meet the requirements of the City of Birmingham.
- B. Sidewalks: Sidewalks in the Triangle Overlay District shall be a minimum of 12 feet wide. Sidewalks along Woodward Avenue shall be a minimum of 7 feet wide. The Planning Board may allow the sidewalk along blocks that are occupied by only residential uses to be a minimum of 5 feet wide.
- C. Street Trees: One (1) canopy tree shall be provided for every 40 feet of frontage planted within tree grates in the sidewalk.
- D. Street Lights: Pedestrian level street lighting of a decorative nature shall be installed along all sidewalks and shall be designed to promote the traditional neighborhood character of the area. Light fixtures shall meet the specification in the City of Birmingham. Hanging planters must be installed on all light fixtures as directed by the Planning Board.
- E. Alleys: Alleys shall be permitted in the Triangle Overlay District and shall be required where necessary to provide access to parking lots, loading areas and garages at the property.
 1. Alleys serving as access to residential garages shall be located within an easement with a minimum pavement necessary for circulation and emergency vehicle access.
 2. Alleys accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along the alleys.
- F. Street Furniture: Benches and trash receptacles shall be provided by the developer in park and plaza areas and along adjoining sidewalks where the Planning Board determines that pedestrian activity will benefit from these facilities.
- G. Bicycle Facilities: All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking structures and parking lots for commercial uses, recreational uses and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

Activation Overlay District

Contents:

3.13 Purpose

3.14 Applicability

3.15 General Standards

3.16 Specific Standards

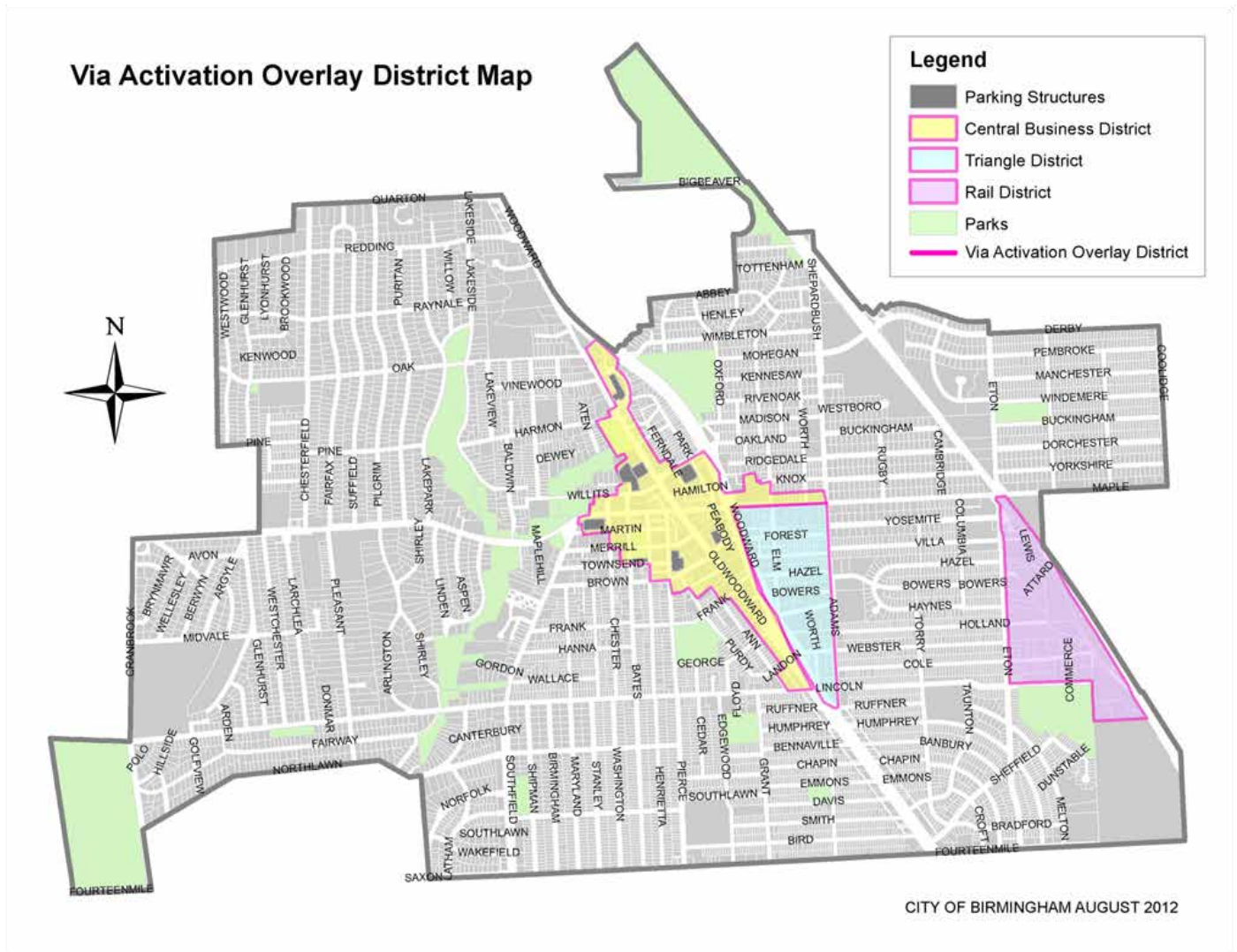
3.13 Purpose

The purpose of the Via Activation Overlay District is to:

- A. Recognize the role and character of vias in creating a fine grain urban realm and improving walkability;
- B. Encourage and direct development within the boundaries of the Via Activation Overlay District and implement the Activating Urban Space: A Strategy for Alleys & Passages;
- C. Encourage a form of development in vias that will achieve the physical qualities necessary to enhance, activate and re-imagine unique urban spaces in Birmingham;
- D. Encourage the improvement of building facades adjoining vias and ensure the use of pedestrian scaled architectural details; and
- E. Encourage first floor building uses to extend into and engage users of vias.

3.14 Applicability

- A. The Via Activation Overlay District shall be an overlay district that applies to all existing and future vias in all zoning districts within the areas identified below:



B. Use and development of land within the Via Activation Overlay District shall be regulated as follows:

1. Any existing use shall be permitted to continue and the use shall be subject to the underlying zoning requirements and not the Via Activation Overlay District.
2. Where an existing use within a building is proposed to be expanded by more than 50% of its size, the use shall be subject to the building use standards of the Via Activation Overlay District to the maximum extent practical, as determined by the Planning Board.
3. Any expansion to an existing building that expands the area of the building by more than 40% of the existing building area shall subject the entire building to the requirements of the Via Activation Overlay District and shall be brought into compliance with the requirements of the Via Activation Overlay District to the maximum extent practical, as determined by the Planning Board.
4. Where a new building is proposed, the use and site shall be subject to the requirements of the Via Activation Overlay District.

C. Development applications within the Via Activation Overlay District shall be required to follow the Site Plan Review and Design Review standards contained in [Article 7](#).

D. Activating Urban Space: A Strategy for Alleys & Passages has been adopted that divides Birmingham's alleys and passages into distinct classifications. Each classification designated in the Activating Urban Space: A Strategy for Alleys & Passages, prescribes requirements for building form, design and use as follows:

- **Active Via:** An alley with a mix of uses and activities used by pedestrians/bicyclists for travel, some commercial activities, pausing for respite, outdoor dining, etc. with shared use by service vehicles (deliveries, trash removal, etc.).
- **Connecting Via:** A passage that provides a through-block connection for pedestrians and/or bicyclists only.

- **Destination Via:** Alleys or passages that people are drawn to as a destination for participating in cultural activities, commercial activities, recreational activities, special events, and other activities.

Alley and passage classifications for Birmingham's existing network within the Via Activation Overlay District are identified as follows:



E. While not required, any improvements to vias or uses for vias that are permitted in the Via Activation Overlay District regulations are also permitted in existing or future vias located throughout the City in all zoning districts, with approval of the Planning Board.

3.15 General Standards

- The design of buildings and sites adjacent to vias shall be regulated by the provisions of the Via Activation Overlay District.
- Section [3.13](#) to Section [3.16](#) shall govern the design of all privately owned land within the Via Activation Overlay District.
- The provisions of the Via Activation Overlay District, when in conflict with other articles of the Zoning Ordinance, shall take precedence.
- The provisions of the Via Activation Overlay District shall specifically supersede all standards for the underlying zone district with regards to signage, landscaping, side and rear setbacks, design and use for all portions of buildings and sites directly adjoining a via.
- The provisions of the Building Code and building regulations in Chapter 22 of the Birmingham City Code and the historic preservation regulations in Chapter 62 of the Birmingham City Code, when in conflict with the Via Activation Overlay District, shall take precedence.
- The design of community buildings and public improvements within the Via Activation Overlay District shall not be subject to the specific standards of this article, but shall be subject to review by the Planning Board.

3.16 Specific Standards

- Permitted and Prohibited Uses:** To enhance the amenity and character of vias, to enhance visual interest and encourage surveillance of urban spaces, active uses should be provided at the ground floor level along the majority of the edges of

buildings located adjacent to vias. While buildings should accommodate these

uses, care must be taken to avoid conflict with pedestrian movement in the via. To specifically encourage the activation of vias, the following uses are permitted within Active, Connecting, and Destination Vias:

1. Retail sales and display;
2. Public plazas and informal gathering spaces;
3. Art display; and
4. Community Gardens.

In addition, the following uses are also permitted within Connecting and Destination Vias:

1. Outdoor dining; and
2. Special Events.

The following are specifically prohibited in all vias:

1. Automatic food and drink vending machines outdoors;
2. Drive-in facilities or any commercial use that encourages patrons to remain in their automobiles while receiving goods or services;
3. Unscreened trash receptacles; and
4. Unscreened outdoor storage.

B. Parking Requirements: To encourage active use of vias, the following parking standards apply in vias:

1. Additional parking spaces shall not be required for the square footage of any via used for any of the permitted uses listed in Section 3.16(A) above that extend from inside buildings into a via.
2. Openings for parking garage access from vias shall repeat the same rhythm and proportion as the rest of the building to maintain a consistent look on all facades facing a via.

C. Side and Rear Setbacks: Buildings and their elements shall be placed on lots as follows:

1. Side setbacks shall not be required where side lot lines adjoin a via;
2. A minimum 10 foot rear yard setback must be provided from the midpoint of the via, except that the Planning Board may allow this setback to be reduced or eliminated; and
3. Awnings and/or canopies are encouraged to project into a via, but must provide at least 8 feet of clearance above the via, and may not encroach the clear zone for service vehicles.

D. Multi-Modal Access: To encourage broad use and multi-modal, 24 hour access to vias as corridors for local travel and social interaction, while providing safe travel for all users, the following standards apply:

1. To maintain access for service vehicles, a 10 foot wide clear zone (extending 22 feet in height), must be maintained for all Active Vias;
2. In Active vias, signs must be posted indicating:
 - a. Entire via is a shared access corridor, and
 - b. Maximum speed for motor vehicles is 5 mph (walking pace);
3. In all vias, the use of vehicle parking gates, fencing and other similar barriers to access are prohibited; and
4. The addition of crosswalks is encouraged where vias intersect streets, particularly in locations with another via entry on the other side of the street.

E. Viascape Standards: To enhance the appearance of vias without stifling creative design, the following standards apply:

1. For publicly owned vias:
 - a. Broom finish concrete with exposed aggregate paving accents must be used for visual interest in all vias;
 - b. All furniture and finishes used are required to match the streetscape requirements of the district in which the via is located, except if located within an area leased for private use; and
 - c. Furniture placement should consider available space, potential for use and proximity to activity centers;
2. For privately owned vias:
 - a. Paving materials and furniture may be selected to suit adjacent private development, subject to approval by the appropriate board or commission; and
 - b. Furniture placement should consider available space, potential for use and proximity to activity centers.

3. In all vias, chain link enclosures of stairs, windows, entrances or other features, and other similar barriers are prohibited.

F. Landscaping: To enhance the appearance and drainage of all vias, the following standards apply:

1. The planting of Boston Ivy and /or other climbing vegetation is encouraged on all facades of buildings adjoining a via. Planting pockets must extend a minimum of 9 inches from the edge of all building facades, and must exceed 2 feet in length;
2. The planting of trees and shrubs is required along the edge of vias where the reviewing board or commission determines that sufficient space exists;
3. Where sufficient space is not available for planting beds, the use of planter boxes, trellises and/or green screens are encouraged; and
4. The use of porous concrete and green pavers is encouraged.

G. Lighting: To ensure the use of appropriate lighting for safety, security, visibility, and architectural enhancement, the following standards apply:

1. Via lighting must be provided by adjoining property owners where needed to ensure the safety of pedestrians. The need for such lighting and the type of lighting to be provided will be determined by the reviewing board or commission;
2. Surface lighting of building facades lining a via is encouraged over freestanding pathway lighting;
3. The scale, color, design and material of all luminaires must enhance the via in which it is located, as well as be compatible with the surrounding buildings and urban space; and
4. Where lighting is used for architectural enhancement of building features, art or landscaping, appropriate methods shall be used to minimize reflection and glare.

H. Design Standards: All portions of buildings and sites directly adjoining a via must maintain a human scale and a fine grain building rhythm that provides architectural interest for pedestrians and other users, and provide windows and doors overlooking the via to provide solar access, visual interaction and surveillance of the via. To improve the aesthetic experience and to encourage pedestrians to explore vias, the following design standards apply for all properties with building facades adjoining a via:

1. Blank walls shall not face a via. Walls facing vias shall include windows and architectural features customarily found on the front facade of a building, such as awnings, cornice work, edge detailing or decorative finish materials. Awnings shall be straight sheds without side flaps, not cubed or curved, and must be at least 8 feet above the via at the lowest drip edge;
2. First floor retail, restaurant and office uses are encouraged to be directly accessible to the public from adjoining vias;
3. Glass shall be clear or lightly tinted only. Opaque applications shall not be applied to any glass surfaces facing a via unless specifically approved by the Planning Board to screen electrical, plumbing or mechanical equipment;
4. Creative designs and bold use of color is encouraged; and
5. Any building facade that terminates a view, as designated on the Via Activation Plan, shall provide distinct and prominent architectural features of enhanced character and visibility or artistic elements, which reflect the importance of the building's location and create a positive visual landmark within the via system.

I. Commercial Signage: To encourage creativity, to add color and to activate the urban space in vias, the following sign standards apply for all properties with building facades immediately adjoining alleys or passages:

1. All doors adjoining alleys or passages are required to provide signage identifying the first floor business(es) contained therein;
2. All first floor uses with rear or side entrances onto alleys or passages must provide pedestrian scaled projecting signs mounted perpendicular to the corresponding facade. One projecting sign is required for each facade with an entrance onto a via. Projecting signs may extend no more than 4 feet from the building facade, projecting banners may extend no more than 6 feet from the building facade, and neither may encroach the clear zone for service vehicles;
3. The lowest point of all projecting signage must be a minimum of 8 feet above grade;
4. Alley and passage commercial signage must be reviewed in accordance with the procedure contained in [Article 2](#) of the Birmingham Sign Ordinance (Chapter 86 of the City Code), but is intended to be bolder and more graphic in nature than storefront signage; and
5. The square footage of the required alley and passage commercial signage required in this section will not count against the maximum total signage permitted on the site.

J. Wayfinding Signage: To encourage the use of all urban space by attracting businesses to vias, and by engaging pedestrians to explore vias, the following wayfinding sign standards apply for all properties with building facades immediately adjoining any entrance to a via:

1. A directory sign is required to be mounted on at least one of the building facades adjoining an entrance to a via. Directory signs must identify all businesses contained within or along a via. Where more than one building facade adjoins an entrance to a via, the board or commission reviewing the signage and/or site plan shall select the best facade(s) for this purpose;
2. An approved City-standard passage wayfinding identification sign must be provided at each entrance to a via, and at all connection points where alleys or passages converge, intersect or end.
3. All alley and passage wayfinding signage must be reviewed in accordance with the procedure contained in [Article 2](#) of the Birmingham Sign Ordinance (Chapter 86 of the City Code); and
4. The square footage of the required alley and passage wayfinding signage required in this section will not count against the maximum total signage permitted on site.

ARTICLE 4: DEVELOPMENT STANDARDS

Contents:

4.01 How to Use this Article

Accessory Structure Standards (AS)

Drainage Standards (DN)

Essential Services Standards (ES)

Fence Standards (FN)

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Window Standards (WN)



4.01 How to Use this Article

[Article 4](#) contains development standards which are arranged by category. There are two ways to determine which development standards apply to a specific zoning district. They are:

- A. Refer to ~~the two-page layouts in~~ [Article 2](#) for a specific zoning district. In the "Additional Development Standards that Apply" box for that specific Zoning District are listed four-digit codes that determine which development standards apply.

Only the four-digit codes noted in the "Additional Development Standards that Apply" section apply to that Zoning District.

[As an example, ~~on page 2-5~~ in [Section 2.04](#), the four digit code "AS-01" can be found under the "Additional Development Standards that Apply" section in the Single-Family Residential (R1A) District. Therefore, the Development Standards in the section labeled "AS-01" (~~on page 04-3~~ in [Section 4.02](#)) would apply to the Single-Family Residential (R1A) District.]

- B. Refer to the icons used at the top of each development standard section in [Article 4](#). Each development standard section begins with a four-digit code and introductory sentence followed by icons with zoning district abbreviations (i.e.  for the [Parking District](#) or  for the [Multiple-Family Residential District](#)). These district icons note that the development standard written in that section applies to that district.

[As an example, ~~on page 04-3~~ in [Section 4.02](#), the R1A icon can be found under the AS-01 development standard section. Therefore the language in the AS-01 section would apply to the R1A District.]

Section Name	Section Name
Accessory Structure Standards (AS)	Outdoor Dining Standards (OD)
Drainage Standards (DN)	Parking Standards (PK)
Essential Services Standards (ES)	Screening Standards (SC)
Fence Standards (FN)	Setback Standards (SB)
Floodplain Standards (FP)	Storage and Display Standards (SD)
Height Standards (HT)	Street Standards (ST)
Landscaping Standards (LA)	Structure Standards (SS)
Lighting Standards (LT)	Temporary Use Standards (TU)
Loading Standards (LD)	Utility Standards (UT)
Lot Standards (LO)	Vision Clearance Standards (VC)
Open Space Standards (OS)	Window Standards (WN)
Operation Standards (OP)	

Accessory Structure Standards (AS)

Contents:

4.02 AS-01

4.03 AS-02

4.04 AS-03

4.05 AS-04

4.06 AS-05

4.07 AS-06

4.02 AS-01

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standard applies:

- A. Occupancy: Residential occupancy of accessory buildings is prohibited.

4.03 AS-02

This Accessory Structure Standards section applies to the following districts:



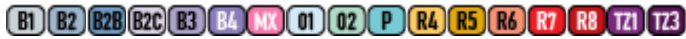
The following accessory structure standards apply:

- A. Front and Side Open Space Limitations: No accessory buildings or structures shall be erected in the required front open space or side open space, except as may otherwise be provided in this section.
- B. Rear Open Space Limitations: Accessory buildings or structures may occupy a portion of the rear open space. They shall be at least 3 feet from any lot line, except as otherwise provided in this Article. If a lot has frontage on 2 streets so that the rear lot line abuts the street, accessory buildings or structures shall be set back from the rear lot line the same distance required in each two-page layout in [Article 2](#), as a front setback for lots fronting on the street. An accessory building is not permitted closer to a principal building on an adjoining lot than the sum of the minimum required side setbacks as determined in Section [4.74\(C\)](#).
- C. Corner Lots: On corner lots where a rear open space abuts a front or side open space, accessory buildings or structures on a corner lot shall have a minimum setback of 5 feet from the rear lot line.
- D. Setback from Principal Building: An accessory building or a swimming pool shall not be closer than 10 feet to the principal building located on the same lot.
- E. Satellite Antennas: Satellite antennas are permitted only in the rear open space. They are prohibited on the roof of any principal building or accessory building. They are limited to a maximum of 15 feet in height above grade and a minimum of 3 feet from the rear and side lot lines.
- F. Basketball Apparatus: A basketball apparatus may be placed within the required front open space and side open space of a single-family residential lot and only in conformance with the following conditions:
1. No more than 1 basketball backboard, either garage or pole-mounted, may be located in the required front or side open space.
 2. A single basketball backboard may be mounted directly on the garage.
 3. A single, pole-mounted backboard may be located only within the one-third of the required front open space or side open space nearest the dwelling and contiguous to the driveway.
- G. Maximum Building Height: The maximum eave height on all accessory structures shall not exceed 12 feet. The maximum building heights for accessory structures are as follows:
1. Gable, hip, gambrel, barrel or shed roofs:
 - a. R1A, R1: 15.5 feet to midpoint
 - b. R2: 15 feet to midpoint
 - c. R3: 14.5 feet to midpoint
 - d. The roof line on gambrel and barrel roofs may not project more than 2 feet past an imaginary plane drawn from the eave to the highest point on the roof. The highest point on an accessory structure with a shed roof must face the interior of the lot on which it is located.
 2. Flat roofs:
 - a. R1A, R1: 12 feet
 - b. R2: 12 feet
 - c. R3: 12 feet
 3. Mansard roofs:
 - a. R1A, R1: 15.5 feet to deck line
 - b. R2: 15 feet to deck line
 - c. R3 14.5 feet to deck line
- H. Area: The maximum area of the first floor of any accessory structure or accessory structures in combination shall not exceed 10% of the lot area or 600 square feet in R1 and R1A, 550 square feet in R2, or 500 square feet in R3, whichever is less. Outdoor living area is prohibited above the first story on any accessory structure.
- I. Proportionality Between Accessory Structures and Principal Structures: The height of an accessory structure must be lower than the height of the principal structure on the same lot. The total area of habitable space in an accessory structure must not exceed 75% of the total area of habitable space in the principal structure on the same lot.
- J. Dormers: Dormers on accessory structures are limited to 50% or less of the width of the roof per elevation or a 10 foot interior dimension, whichever is greater. Dormers may not exceed the height of the roofline from which they are projecting. Dormers are not permitted on accessory structures with gambrel, barrel, flat or mansard roofs.
- K. Windows: On elevations adjacent to abutting property lines, a maximum of 8 square feet of glazing area is permitted per elevation on the second level of an accessory structure if located less than 6 feet above the floor of the second level of the accessory structure. Unlimited glazing is permitted if located at least 6 feet above the floor of the second level of the accessory structure.

L. Exterior Staircases: Above grade exterior staircases are prohibited on accessory structures.

4.04 AS-03

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standard applies:

- A. Structures Permitted: No accessory building shall be permitted except by site plan approval by the appropriate reviewing body in accordance with the regulations as set forth in Site Plan Review in [Article 7](#).

4.05 AS-04

This Accessory Structure Standards section applies to the following district:



The following accessory structure standard applies:

- A. Structure Placement: No accessory buildings or structures other than a garage or carport shall be constructed or placed in the rear yard setback.

4.06 AS-05

This Accessory Structure Standards section applies to the following districts:



The following accessory structure standards apply:

- A. Front, Side, or Rear Open Space Limitations: No accessory buildings shall be erected in the front open space, side open space or rear open space.
- B. Satellite Antennas: Satellite antennas are permitted in the rear open space or on the roof, provided they receive Design Review approval from the Design Review Board. Roof and ground-mounted satellite antennas shall not exceed the maximum height permitted for the principal building in the non-residential zoning district.

4.07 AS-06

This Accessory Structure Standards section applies to the following district:



The following accessory structure standards apply:

- A. Residential Units: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in [Article 2](#). Where there is a conflict between this provision and the requirements of Section [4.02](#), this Section shall take precedence.
- B. Satellite Antennas: Satellite antennas are permitted in the rear open space or on the roof, provided they receive Design Review approval from the Design Review Board. Roof and ground-mounted satellite antennas shall not exceed the maximum height permitted for the principal building in the non-residential zoning district.

Drainage Standards (DN)

Contents:

4.08 DN-01

4.08 DN-01

This Drainage Standards section applies to the following districts:



The following drainage standards apply:

- A. Drainage Regulations:

1. Drainage Plan shall be submitted in conjunction with a building permit application subject to approval by the Building Official and/or City Engineer.
2. Drainage shall be conducted in accordance with the Drainage Plan.
3. Drainage shall be conducted to avoid or prevent the discharge of water into, onto or across an adjacent lot where it could cause damage to such lot or become a health hazard or nuisance as determined by the Building Official and/or City Engineer.

Essential Services Standards (ES)

Contents:

4.09 ES-01

4.09 ES-01

This Essential Services Standards section applies to the following districts:



The following essential services standard applies:

- A. Essential Services: Essential services shall be permitted as authorized and regulated by law and other ordinances of the city and are exempt from the application of the Zoning Ordinance.

(Ord. No. 2352, 07/26/2021)

Effective on: 8/29/2021

Fence Standards (FN)

Contents:

4.10 FN-01

4.11 FN-02

4.12 FN-03

4.10 FN-01

This Fence Standards section applies to the following districts:



The following fence standards apply:

- A. Playgrounds: Fences which enclose public or institutional playgrounds shall not exceed 7 feet in height above grade, and shall not obstruct vision to an extent greater than 25% of their total area.
- B. Fence Construction: Fences shall contain no barbed wire, electrical current or charge of electricity.
- C. Maintenance:
1. All fences shall be maintained in good order, including that they be plumb and level.
 2. All deteriorated and missing boards shall be replaced.
 3. Plant materials in vegetative fences shall be maintained in a healthy condition.
 4. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.

4.11 FN-02

This Fence Standards section applies to the following districts:



The following fence standards apply:

- A. Fence Height:
1. Fences shall not exceed 6 feet in height above grade when located in any portion of the required side or rear open space.
 2. Fences located in the front open space shall not exceed 3 feet in height;

- a. except when the fence is located in the required front open space but behind the front of the principal building; and
- b. except when the fence is located immediately adjacent to the rear lot line of a corner lot, then the fence shall not exceed 6 feet in height.

4.12 FN-03

This Fence Standards section applies to the following districts:

(Reserved)

Floodplain Standards (FP)

Contents:

4.13 FP-01

4.14 FP-02

4.15 FP-03

4.13 FP-01

This Floodplain Standards section applies to the following districts:



The following floodplain standards apply:

- A. Purpose: The purpose of this section is to significantly reduce hazards to persons and damage to property as a result of flood conditions in the city, and to comply with the provisions and requirements of the national flood insurance program and subsequent enactments and rules and regulations of the Federal Emergency Management Agency, Office of Federal Insurance and Hazard Mitigation, as published in the Federal Register. The section is intended:
 1. To protect human life, health and property from dangerous and damaging effects of flood conditions;
 2. To minimize public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood-damaged public facilities and utilities, and redevelop flood-damaged homes, neighborhoods, commercial and industrial areas;
 3. To prevent private and public economic loss and social disruption as a result of flood conditions;
 4. To maintain stable development patterns not subject to the blighting influence of flood damage;
 5. To ensure the public has access to information indicating the location of land areas subject to periodic flooding; and
 6. To preserve the ability of floodplains to carry and discharge a base flood.
- B. Delineation of the Floodplain Overlay Zone:
 1. The floodplain shall overlay existing zoning districts delineated on the zoning map. The boundaries of the floodplain shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "Oakland County Flood Insurance Study" dated September 29, 2006, with accompanying flood insurance rate maps and flood boundary and floodway maps, including Flood Insurance Rate Map(s) (FIRMS) panel numbers of 26125C0517F, 0529F, 0536F, 0537F, 0538F, and 0541F and dated September 29, 2006. A regulatory floodway shall be designated within the floodplain. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway map. The study and accompanying maps are adopted by reference, and declared to be a part of this article.
 2. The exact location of the limits of the floodplain and the floodway shall be determined by the City Engineer.
- C. General Regulations:
 1. There shall be no new construction, alterations or additions, or substantial improvements to existing buildings, or changes in existing topographical features within the floodplain except as hereinafter provided:
 - a. All new construction and substantial improvements within a floodplain shall:
 - i. Be designed and anchored to prevent flotation, collapse or lateral movement of the structure;
 - ii. Be constructed with materials and utility equipment resistant to flood damage; and
 - iii. Be constructed by methods and practices that minimize flood damage.
 - b. All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.

- c. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
 - d. All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
 - e. Adequate drainage shall be provided to reduce exposure to flood hazards.
 - f. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this section.
 - g. Any altered or relocated watercourse shall maintain its flood carrying capacity even if not subject to state or federal regulations.
 - h. Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Office of Federal Insurance and Hazard Mitigation shall take precedence over data from other sources.
2. Where buildings or structures are permitted on the floodplain or on any land immediately adjoining the floodplain by other sections of this Code, the elevation of the lowest floor shall be determined by the use to be made thereof in accordance with the following:
- a. The elevation of the lowest floor designed or intended for human habitation in residential buildings, and except as hereinafter provided in this section, the elevation of the lowest floor designed or intended for retail, office, or other commercial uses in a commercial building shall be at least 2 feet above the elevation of the base flood level.
 - b. The elevation of a basement floor or other floor not designed or intended for human habitation in a residential building, and except as provided in this section, the elevation of a basement floor used for storage, mechanical equipment, and similar uses in a commercial building shall be no lower than the elevation of the base flood level.
 - c. Floors of parking lot attendant's booths, mechanical equipment buildings, garages, parking areas, carports and similar accessory buildings may be below the elevation of the base flood level.
 - d. The elevation of the lowest floor, or basement, in a commercial building may be below the elevation required under this section, provided that the portion of the building below such elevation, together with attendant utility and sanitary facilities, is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure.

D. Floodway Protection Standards:

1. New construction, alterations or additions, substantial improvements and all other development, including fill, shall be prohibited within the floodplain, except where it is demonstrated that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Act No. 245 of the Public Acts of Michigan of 1929 (MCL 323.1 et seq., MSA 3.521 et seq.), as amended by Act No. 167 of the Public Acts of Michigan of 1968 shall be required, provided that the allowable increase shall not exceed 1 foot. The provisions of this section shall not apply within the regulatory floodway. The provisions of subsection (b) of this section shall be applied to land situated within the regulatory floodway.
2. All development occurring within the regulatory floodway shall comply with the following standards: encroachments, including fill, new construction, alterations or additions, substantial improvements and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the department of natural resources that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with MCL 323.1 et seq., MSA 3.521 et seq., as amended by MCL 323.2a et seq., MSA 3.522 (1) et seq., shall be required, providing that the allowable increase, including that increase used as the engineering design standard for delineating the floodway, shall not exceed 1 foot.

E. Disclaimer of Liability: The degree of flood protection required by the Zoning Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under the Zoning Ordinance shall not be considered a guarantee or

warranty of safety from flood damage. The Zoning Ordinance does not imply that areas outside the floodplain will be free from flood damage. The Zoning Ordinance does not create liability on the part of the city or any officer or employees thereof for any flood damages that result from reliance on the Zoning Ordinance or any administrative decision lawfully made thereunder.

4.14 FP-02

This Floodplain Standards section applies to the following districts:

R1 R1A R2 R3

The following floodplain standards apply:

- A. Partial Floodplain Lots: When a lot has a portion thereof within the floodplain, the portion thereof within the floodplain may be used to compute the lot area requirements set forth in this Zoning Ordinance.
- B. Restrictions Imposed: All lands included in such floodplain control district shall be subject to the restrictions imposed in this section, in addition to the restrictions imposed by any other zoning district in which such lands should be located.

4.15 FP-03

This Floodplain Standards section applies to the following districts:

R4 R5 R6 R7 R8

The following floodplain standards apply:

- A. Partial Floodplain Lots: When a lot has a portion in the floodplain, the portion within the floodplain may be used to compute the permitted density of dwelling units to be constructed on the portion of the lot outside the floodplain; provided, however:
1. The total number of permitted dwelling units outside the floodplain shall not exceed the number of dwelling units which would be permitted on the portion of the lot outside the floodplain by the multiple- family district permitting the number of dwelling units next highest in number to the district in which the lot is zoned.
 2. The total usable floor area of the dwelling units outside the floodplain shall not exceed 50% of the lot area outside of the floodplain.
- B. Restrictions Imposed: All lands included in such floodplain control district shall be subject to the restrictions imposed in this section, in addition to the restrictions imposed by any other zoning district in which such lands are located.

Height Standards (HT)

Contents:

4.16 HT-01

4.17 HT-02

4.18 HT-03

4.19 HT-04

4.16 HT-01

This Height Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX O1 O2 P R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1 TZ3

The following height standards apply:

- A. Maximum Building/Eave Height: The maximum building height shall be as per each two-page layout in [Article 2](#).
- B. Maximum Stories: The maximum number of stories shall be as per each two-page layout in [Article 2](#).
- C. Structures Excluded: The maximum height limits set forth in the two-page layout in [Article 2](#) shall not apply to radio or television antennas, chimneys and flagpoles, provided they do not exceed the required maximum height limits by more than 10 feet.
- D. Gable Roofs: If mechanical equipment and/or other mechanical appurtenances are located within the building and under a gable roof only, the maximum height of the gable roof may exceed the maximum height limits set forth in the two-page layout in [Article 2](#) by 10 feet, providing such gables are constructed of materials found by the Planning Board and

Design Review Board to be in conformance with the standards in the Design Review Section of [Article 7](#) and subsequently approved by the Planning Board and Design Review Board.

- E. **Modifications:** The height limits set forth in the two-page layout in [Article 2](#) may be modified by the Board of Zoning Appeals in their application to belfries, chimneys, church spires, cupolas, domes, masts, aerials, skylights, smokestacks, ventilators, towers, and other similar appurtenances pertaining to and necessary to the permitted uses of the districts in which they are located, provided that such height modifications do not violate the spirit and intent of the Zoning Ordinance.

4.17 HT-02

This Height Standards section applies to the following districts:



The following height standard applies:

- A. **Non-Residential Uses:** When a principal building or accessory building is being built on a lot in a commercial, office, parking or multiple-family district which does not contain residential uses, which abuts property zoned for a single- or two-family use, the height of the building shall not exceed the distance which the building is set back from the lot line forming the boundary between the residential district and the lot on which the building is to be built. Where the building is located across an alley from the property zoned for single or two-family use, the height of the building shall not exceed the distance which the building is set back from the line forming the zoning district boundary between the residential district and the district in which the building is being built. For lots in the Downtown Birmingham Overlay District, see [Article 3](#).

4.18 HT-03

This Height Standards section applies to the following districts:



The following height standard applies:

- A. **Structures Excluded:**
1. The maximum height limit set forth in the two-page layout in [Article 2](#) shall not apply to any mechanical penthouses, stair enclosures, elevator shafts, elevator lobbies, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances, provided the mechanical appurtenances are screened in accordance with Section [4.54](#).
 2. An elevator shaft may exceed the maximum height limit by no more than 16 feet.
 3. An elevator lobby may exceed the maximum height limit by no more than 16 feet provided that it is no larger in area than the area of the elevator shaft which it abuts, measured to the exterior walls.
 4. Stair enclosures, rooftop screening, rooftop mechanical equipment and/or other rooftop mechanical appurtenances may exceed the maximum height limit by no more than 10 feet.
 5. Rooftop amenities such as pergolas, trellises, furniture and other similar items may exceed the maximum height limit by no more than 10 feet, provided they meet the requirements of Rooftop Use Standards in [Article 5](#).

(Ord. No. [2323](#), 08/05/2019)

Effective on: 9/15/2019

4.19 HT-04

This Height Standards section applies to the following district:



The following height standards apply:

- A. **Roofs:**
1. Flat roofs shall be no more than 45 feet.
 2. Eave line for sloped roofs shall be no more than 40 feet.
 3. Peak or ridge of any sloped roof shall be no more than 50 feet as measured to the average grade at the sidewalk at the frontage line.

4. Sloped roofs no greater than 45 degrees measured to the horizontal shall be permitted for the screening of mechanical and other equipment.

5. Maximum of 4 stories.

B. Structures Along Eton Road: The minimum eave height for a 1 story building along Eton Road shall be 18 feet.

(Ord. No. 2324, 08/05/2019)

Effective on: 9/15/2019

Landscaping Standards (LA)

Contents:

4.20 LA-01

4.20 LA-01

This Landscape Standards section applies to the following districts:



The following landscape standards apply:

A. Intent: Landscaping is an essential part of the design and development of a site. Landscape plantings are a benefit to the environment, public health, air quality, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, heat buildup and will filter and reduce glare from car headlights. They may reduce energy costs in structures and will improve the aesthetics of the community.

B. Applicability of Landscape Standards:

1. Sub-sections (D)(1) through (6) and section (E) apply to all property in the City of Birmingham.
2. In addition to sub-sections (D)(1) through (6) and section (E), all other sub-sections apply to properties in the City of Birmingham that are subject to site plan review pursuant to Section 7.24 of the Birmingham Zoning Ordinance, if:
 - a. The construction of one or more new buildings is proposed,
 - b. Improvements are proposed to an existing building which adds 50% or more additional square foot- age or involves the removal of at least one exterior wall, or
 - c. The property has an existing or proposed unenclosed parking facility with 20 or more parking spaces.

C. Exceptions:

1. Sub-sections (E) and (F) do not apply to any property in the Downtown Birmingham Overlay District.
2. If one or more of the following conditions apply, the Planning Board may approve alternative landscape plans that contain modifications from the required standards of this section, provided that the proposed alternative landscape plan meets the spirit and intent and substantially conforms to this section in terms of quality, effectiveness, durability, hardiness and performance:
 - a. The site involves space limitations or is an unusual shape;
 - b. Predominant development patterns in the surrounding neighborhood justify alternative compliance for in-fill projects and redevelopment in older established areas of the City; or
 - c. Topography, soil, vegetation, or other site conditions are such that full compliance with this section is impossible or impractical.

D. General Standards:

1. Live Plantings: All landscaping shall consist of approved natural materials or living plant materials.
2. Unpaved Portion of Site: All undeveloped and unpaved portions of a site shall be planted with grass, ground cover, shrubs or other suitable live plant material, which shall extend to any abutting street pavement edge.
3. Improvements in the Right-of-Way: Plantings in the right-of-way must be no more than 2 feet in height, with the exception of street trees. All improvements in the right-of-way require a Special Treatment License from the Engineering Department.
4. Prohibited Species: The following plants and tree materials are specifically prohibited due to their brittleness, susceptibility to disease and insects, excessive root structure, excessive litter, susceptibility to road salt damage or other undesirable traits. Any existing prohibited species may not be replaced. A representative list of prohibited species is provided below. The Staff Arborist maintains a complete list of all of the prohibited species. **ibited Species**

Prohibited Species	
Boxelder	Garlic Mustard
Soft Maple (Red Silver)	Japanese Barberry
Elm (except disease-resistant varieties)	Oriental Bittersweet
Poplar	Orchard Grass
Willow	Winged Wahoo
Horse Chestnut (nut bearing)	Euonymus
Tree of Heaven	English Ivy
Catalpa	Dame's Rocket
Succulent fruit bearing trees	Common Privet
Periwinkle	Honeysuckle
Ribes (Gooseberry)	Purple Loosestrife
Cottonwood	Kentucky Bluegrass
Poison Ivy	Common Buckthorn
Mulberry Trees	Multiflora Rose
Ash	White Clover
Norway Maple	Siberian Elm
Quack Grass	

5. Certified Wildlife Areas: Nothing in this ordinance shall preclude the use and enjoyment of a wildlife area that is certified by a state or nationally recognized organization.
6. Maintenance: All landscaping areas shall be kept free from refuse and debris. All plant materials shall be maintained in a sound, weed-free, healthy and vigorous growing condition, and free of plant disease and insects. An irrigation system or a readily available water supply sufficient to maintain the landscaping shall be provided in all required landscape areas unless drought resistant native species are utilized.
7. Plant Material Size:
- a. All plantings to be counted towards the minimum landscaping requirements must meet the following minimum size requirements at the time of planting:
 1. Evergreen Trees: 6 feet in height
 2. Deciduous Trees: 3 inches in caliper
 3. Evergreen & Deciduous Shrubs: 18 inches in height
 - b. All replacement plantings for dead or diseased plant materials must meet the same minimum size requirements as new plantings.
8. Native Species Credit: The use of species native to the region is encouraged. A reduction of 20% of the total number of trees or shrubs required will be granted if 80% or more of the trees and/or shrubs to be planted are native species. The Staff Arborist maintains a complete list of all native species.
9. Existing Vegetation:
- a. Existing significant trees, tree stands and natural vegetation shall be integrated into the landscaping plan to the maximum extent possible.
 - b. Existing healthy trees and shrubs located within required setbacks and areas not required for development shall be preserved. Trees to be preserved shall be pruned to remove dead, diseased or irregular branching, but the crown form characteristic of the species shall be maintained.
 - c. Preserved trees shall be protected with sturdy, highly visible barriers around the tree or group of trees, at the critical root zone or dripline and a tree preservation plan shall be submitted and approved by the Planning Director. The critical root zone of the tree shall remain undisturbed by cutting, filling or storage of materials and equipment during the development process.
10. Existing Vegetation Credit: Any existing deciduous tree on site that is to be preserved and is over 6 inches in caliper at DBH may be counted as 3 new deciduous trees. Any existing evergreen tree on site that is to be preserved and is over 10 feet tall may be counted as 2 new evergreen trees.
11. Waiver for Innovative Landscaping: In order to further encourage innovative site designs that enhance the quality of the environment in Birmingham, the Planning Board may grant a waiver of any landscaping standards outlined in

this ordinance where the Planning Board finds that the proposed plans display an innovative use of site design features, open space or landscaping which will enhance the use and value of neighboring properties.

12. **Removal:** Any required landscape element that dies, or is otherwise removed, must be replaced within 1 month, and no later than November 30, from the date of issuance of a Notice of Violation, if such notice is issued during the April 1 to September 30 period; if the violation is issued during the October 1 to March 31 period, the planting shall be completed no later than the ensuing May 31, or be subject to fines and penalties as a civil violation.
13. **Time Period for Completion:** All landscaping shall be planted within 3 months, and no later than November 30, from the date of issuance of a temporary Certificate of Occupancy, if such certificate is issued during the April 1 to September 30 period; if the certificate is issued during the October 1 to March 31 period, the planting shall be completed no later than the ensuing May 31. A permanent Certificate of Occupancy shall only be issued after inspection and approval of such plantings.

E. Required Plantings: Required Plantings

Required Plantings		
Land Use	Type and Number of Plantings	Based on Lot, Building or Number of Dwelling Units
Commercial	None	None
Mixed Use in MX District	1 Deciduous and 1 Evergreen Tree	Per 2 residential units
Multiple-Family in Residential	1 Deciduous and 1 Evergreen Tree	Per 2 <u>dwelling units</u>
Parking	See Subsection (F)	See Subsection (F)

F. Parking Lot Landscaping: Parking lots greater than 7,500 square feet shall meet the following interior landscaping requirements:

1. Within the parking lot there shall be interior landscaping areas that total not less than 5% of the total parking lot interior area.
2. Each interior planting area shall be at least 150 square feet in size, and not less than 8 feet in any single dimension.
3. There shall be at least one canopy tree for each 150 square feet or fraction thereof of interior planting area required.
4. The interior planting areas shall be located in a manner that breaks up the expanse of paving throughout the parking lot interior.

G. Street Trees: All site plans shall include in the right-of-way along all streets, at least 1 street tree for each 40 linear feet of frontage. The Staff Arborist may waive this requirement if there is not adequate green space in the right-of-way to support such trees. A list of tree species permitted in the right-of-way are set out in the Master Street Tree Plan maintained by the Staff Arborist.

H. Submittal Requirements: A detailed landscape plan depicting the names, both common and botanical, location, spacing, and size of all plantings to be installed and the location and type of all materials proposed to be included in the landscape treatment areas shall be submitted for approval to the Planning Board at the time of Final Site Plan approval. All ornamental landscape features and landscape lighting must be included on the required landscape plan.

Lighting Standards (LT)

Contents:

4.21 LT-01

4.22 LT-02

4.23 LT-03

4.21 LT-01

This Lighting Standards section applies to the following districts:



A. Intent and Purpose: The purpose of this section is to protect the health, safety and welfare of the public by encouraging lighting practices and systems that will minimize glare and light trespass while recognizing the need for buildings and sites to be illuminated for safety, security, visibility, and enhancement. This section provides standards for various lighting forms and situations to improve visibility and curtail the degradation of the nighttime visual environment.

B. Applicability: Recommended Practices of the Illuminating Engineering Society of North America (IESNA) will be used as a guideline for all site lighting decisions of the City of Birmingham. Birmingham ordinances will supersede IESNA when there is a conflict.

For the purposes of this ordinance, lighting levels within the City of Birmingham will be determined by using Zone E4 foot-candle levels and practices defined by the IESNA¹ as areas of high ambient brightness, normally urban areas having both residential and commercial use and experiencing high levels of nighttime activity.

The standards in this section shall apply to all outdoor luminaries installed on private property. This ordinance does not apply to interior lighting. Light emitted outdoors from any structure will be subject to control by this section if it is determined that it creates a light nuisance or disability glare as defined by section 9.02 of this ordinance.

Properties regulated by Special Land Use Permits, or SLUP's, located in single-family residential zones must comply with all regulations set forth in this ordinance.

C. Submittal Requirements: The following information must be included for all site plan and/or design review submissions that involve new construction or new lighting that may significantly alter the light distribution or illuminance on a site, as deemed necessary by the Planning Division, Planning Board, Design Review Board or Historic District Commission;

1. Location of all outdoor lighting fixtures, including but not limited to freestanding pole fixtures, building-mounted and canopy mounted luminaries on the site plan and building elevations.
2. Manufacturer's specification sheets and details for the type of luminaire(s) being proposed including but not limited to the proposed lampping and lumens, distribution type and optical control methods.
3. Photometric grid overlaid on the proposed site plan indicating the light intensity throughout the site (in maintained foot-candles). Calculations must be shown for maintained output at ground level and shown at 5' spacing to 5' beyond all property lines.
4. Any other information deemed necessary by the Building Official or Planning Director in accordance with the intent and purpose of this section.

D. General Standards:

1. Unless specifically permitted within this ordinance, all luminaries shall be full cutoff or cutoff, as defined in Section 9.02, and positioned in a manner that does not unreasonably invade abutting or adjacent properties. Exception to cutoff luminaries can be made at the discretion of the Planning Board, Historic District Commission, or Design Review Board under any of the following conditions:
 - a. The distribution of upward light is controlled by means of refractors or shielding to the effect that it be used solely for the purpose of decorative enhancement of the luminaire itself and does not expel undue ambient light into the nighttime environment.
 - b. The luminaire is neither obtrusive nor distracting, nor will it create a traffic hazard or otherwise adversely impact public safety, with appropriate methods used to eliminate undesirable glare and/or reflections.
 - c. The luminaire is consistent with the intent of the Master Plan, Urban Design Plan(s), Triangle district plan, Rail District plan and/or Downtown Birmingham 2016 Report, as applicable.
 - d. The scale, color, design or material of the luminaire will enhance the site on which it is located, as well as be compatible with the surrounding buildings or neighborhood.
 - e. Lighting designed for architectural enhancement of building features (i.e. architectural enhancement lighting). Appropriate methods shall be used to minimize reflection and glare.
 - f. The site lighting meets all requirements set forth in this ordinance including, but not limited to, light trespass and nuisance violations.
2. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site.
3. All luminaries shall use light distribution patterns or positioning that directs light away from adjacent or abutting property when appropriate.²
4. All exterior lighting not deemed necessary for security purposes or architectural enhancement must be turned off during non-business hours and shall be controlled by means of a photocell control, timer, or other acceptable means of control.

E. Illuminance Levels:

1. The intensity of light on a site shall not exceed six-tenths (0.6) maintained foot-candles at any property line that abuts a single-family residential zoned property or one and one half (1.5) maintained foot-candles at any property line for any other zoned property. The light intensity shall be measured at 6' above ground level on a vertical plane.³

2. The intensity of light on a site which provides a front setback of less than 5' shall be measured from 5' beyond the front property line.
3. The lighting under vehicular canopies shall have a maximum point of illuminance of ten (10) maintained foot-candles⁴ measured on a horizontal plane at ground level. Lighting under vehicular canopies shall be designed in accordance with one or more of the following practices:
 - a. Recessed luminaire(s) incorporation of a lens that is either recessed or flush with the bottom surface of the vehicular canopy.
 - b. Surface mounted fixture incorporating a flat lens that provides full cutoff light distribution.
 - c. Other methods approved by the Planning Board, Historic District Commission or Design Review Board.

F. Parking Facilities:

1. The maximum height for pole mounted luminaries, including a base or pedestal and pole, measured from ground level to the highest point on the luminaries shall be 13' for parking lots adjacent to residential properties. All other parking lot locations are limited to 16' in height.
2. Parking facility circulation areas shall have a minimum illumination level of two tenths (0.2) foot-candles measured at ground level on a horizontal plane with the exception of areas described in Section 4.21(F)(4).⁵
3. The distribution of light emitted from parking lot luminaries shall be such that the variation of foot-candle illumination levels in the circulation areas will be no greater than a 20:1 maximum to minimum ratio of variation.⁶
4. Foot-candle levels of a circulation area within 5 ft. of an adjacent property line may be exempt from the variation ratio provided that the foot-candle levels in that area are between 0.0 and 0.6 foot candles.
5. All luminaries of a parking facility will use light distribution patterns and/or shielding that directs light away from adjacent or abutting property.⁷
6. All luminaries will be full cut-off or cut-off, as defined in section 9.02, unless deemed beneficial for aesthetic or safety purposes in accordance with Section 4.21(D)(1) of this ordinance.
7. Parking facilities that directly abut one another may be allowed to share lighting equipment at the discretion of the Planning Division, provided that all requirements of this ordinance are met. If shared lighting is implemented at the abutting property lines of two parking lots, that property line may be exempt from light trespass levels of Section 4.21(E)(1) of this ordinance.

8. Security Lighting:

1. Luminaries deemed security lighting, as defined in Section 9.02, may be lit continuously between sunset and sunrise. All other outdoor lighting shall be turned off during non-business hours. Areas deemed appropriate for security lighting shall include, but not be limited to, sidewalks, pedestrian passages, entrances to buildings, parking structures, alleyways, and bike paths.
2. When designing security lighting emphasis should be placed on incorporating vertical illuminance as defined in Section 9.02. In order to avoid "high brightness contrast" situations and to increase recognition distances, lighting of surrounding vertical surfaces (trees, walls, building features, or area surrounding features) is encouraged. This lighting will define the space and depth of the environment and help minimize dark areas and shadows, thus increasing safety and security.⁸
3. Areas approved for security lighting require a minimum of one half (0.5) maintained foot-candles of illumination, at ground level, on a horizontal plane.⁹
4. Security lighting shall have a maximum variation ratio of 15:1.¹⁰
5. All security lighting shall comply with light trespass standards set forth in this ordinance.
9. Prohibited Outdoor Lighting: Flashing, chasing, moving or intermittent type lighting which is visible to the human eye. However, fading is permitted at intervals greater than 120 seconds. This standard also applies to interior lighting seen from the exterior of the building.
10. Exemptions: The following are exempt from the lighting requirements of this section, provided they are not deemed a light nuisance:
 1. Lighting for Private Swimming Pools.
 2. Lighting for holiday decorations.
 3. Lighting for approved Special Events.
 4. Lighting for U.S. Flags, provided that the light source is shielded.

5. Lighting which contributes to the historic character of any contributing or non-contributing resource, as determined by the HDC, DRB or Planning Division, located within the boundaries of any historic district as defined in Section 127-25 of the Birmingham City Code.
11. Lighting Nuisance Violations: Any luminaries erected, constructed, enlarged, altered, replaced, moved, improved, or converted contrary to the provisions of this section shall be unlawful and declared a light nuisance as determined by the Building Official, and is subject to abatement in accordance with IESNA recommendations in the manner provided by law.
12. Grandfathering of Nonconforming Luminaries: Any luminaries existing at the time of the enactment of this ordinance, or any amendment thereto, that does not conform to the requirements of the district in which it is located may be continued or maintained subject to the following provisions, provided that they do not cause a nuisance as stated in Section 4.22 of this ordinance.
1. If a nonconforming luminaire is destroyed, it shall be repaired, reconstructed or replaced, in conformity with all the provisions of this ordinance, and the remnants of the former luminaire shall be removed from the property. For purposes of this section, a nonconforming luminaire is "destroyed" if damaged to an extent that the cost of repairing the luminaire to its former condition or replacing it with an equivalent luminaire equals or exceeds 50 percent of the replacement value of the luminaire so damaged, including labor.
 2. Subject to the other provisions of this section, nonconforming luminaries may be repaired so long as the cost of such work does not exceed 50 percent of the cost of such luminaire within any 12-month period.
 3. At the time that a non-conforming luminaire is replaced, moved, upgraded, or otherwise changed, the luminaire must be brought into compliance with the requirements of this ordinance. Routine maintenance, including changing the lamp, ballast, starter, photo control, lens and other required components, is permitted for all existing fixtures.

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- 1 IESNA document RP-33-99 pg. 12
 - 2 IESNA document RP-33-99 pg. 6
 - 3 IESNA document TM-11-00 pg. 7
 - 4 IESNA document RP-33-99 pg. 43
 - 5 IESNA document RP-20-98 pg. 3
 - 6 IESNA document RP-20-98 pg. 3
 - 7 IESNA document RP-33-99 pg. 3
 - 8 IESNA document RP-33-99 pg. 8
 - 9 IESNA document RP-20-98 pg. 3
 - 10 IESNA document RP-20-98 pg. 3

4.22 LT-02

This Lighting Standards section applies to the following districts:



- A. Lighting Nuisance Violations: Any outdoor lighting that is in violation of the following standards shall be considered a nuisance and subject to abatement in the manner provided by law:
1. The intensity of light on a site shall not exceed six-tenths (0.6) maintained foot-candles at any property line that abuts a single-family residential zone or one and one half (1.5) maintained foot-candles at any property line that abuts any other zoned property. Intensity shall be measured at 6' above ground level on a vertical plane.¹¹
 2. Luminaries that direct light towards streets, right of way, or parking lots that cause disability glare to motorists or cyclists shall be either shielded or re-directed.
 3. All luminaries shall use distribution patterns, shielding or positioning that directs light away from adjacent or abutting property as appropriate.
 4. All lighting shall use appropriate methods to minimize reflection and glare on adjacent or abutting properties.

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- 11 IESNA document TM-11-00 pg. 7

4.23 LT-03

This Lighting Standards section applies to the following districts:



The following lighting standard applies:

- A. Electrical Receptacles: Where a holiday lighting program is in effect, outdoor electrical receptacles shall be provided.

Loading Standards (LD)

Contents:

4.24 LD-01

4.25 LD-02

4.26 LD-03

4.24 LD-01

This Loading Standards section applies to the following districts:



The following loading standards apply:

- A. Plans Required: Plans must be submitted to the Planning Board or the Design Review Board showing how the required loading spaces shall be arranged in the area supplied for that purpose, so as to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the loading area.
- B. Certificate of Occupancy and Use: No certificate of occupancy and use will be issued upon completion of any building or the extension or addition thereto unless and until all loading space requirements, shown on the plans, or made a part of the building permit, are in place and ready for use.
- C. Required Off-Street Loading: There shall be provided and maintained on the same premises with every building, or part thereof, which is to be occupied for a use requiring the receipt or distribution in vehicles of materials or merchandise, off-street loading space in relation to building floor area as follows: **Office Us**

Office Uses	
Office Uses	Loading Spaces Required
0--10,000 square feet	0
10,001--50,000 square feet	1 usable loading space
Over 50,000 square feet	2 usable loading spaces

Commercial and Industrial Uses	
Floor Area of the Building	Loading Spaces Required
0--5,000 square feet	0
5,001--20,000 square feet	1 usable loading space
20,001--50,000 square feet	2 usable loading spaces
Over 50,000 square feet	3 usable loading spaces

- All loading spaces and all access drives shall be in addition to the off-street parking area requirements.
- Off-street loading space requirements as set forth herein may be reduced as applied to any building abutting a paved public alley 18 feet or more in width by 1 loading space for each 40 feet of alley that abuts the lot upon which the building is located.
- An off-street loading space, unless provided under the provisions of subsection (2) of this section, shall have the following minimum dimensions: 40 feet long, 12 feet wide and 14 feet high.
- An off-street loading space may be completely enclosed within a building, or may occupy a portion of the site outside of the building, provided that where any portion of a loading space is open to public view, such space shall be screened in accordance with Section 4.54 and be a minimum of 6 feet.
- Plans for all off-street loading spaces showing the spaces and the maneuvering area shall be approved by the Building Official, City Engineer, City Planner and Police Chief. The loading zone must be accessible when all parking spaces are occupied.

4.25 LD-02

This Loading Standards section applies to the following district:

B3

The following loading standards apply:

A. Loading Zones and Refuse Storage:

1. Each building used for mixed commercial and residential use shall supply, on the site of the building, a minimum of 2 off-street loading zones and 2 refuse storage areas.
2. The refuse storage areas and loading zones shall be easily accessible from a public right-of-way and convenient to the principal building.
3. All areas used for storage of refuse materials and areas used for loading and unloading of materials must be screened from the tenants of the building, adjacent residential areas and the public right-of-way.

4.26 LD-03

This Loading Standards section applies to the following district:

MX

The following loading standards apply:

A. Loading Docks and Service Areas:

1. Loading docks and service areas shall be permitted only within rear open space.
2. Doors for access to interior loading docks and service areas shall not face a public or private street, but may face a public or private alley.

Lot Standards (LO)

Contents:

4.27 LO-01

4.28 LO-02

4.29 LO-03

4.27 LO-01

This Lot Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX O1 O2 P R1 R1A R2 R3 R4 R5 R6 R7 R8

The following lot standards apply:

- A. Minimum Lot Area per Unit: The minimum lot area shall be as per each two-page layout in [Article 2](#).
- B. Combined Residential Lots: In any district in which single-family dwellings are permitted, if 2 or more lots or combinations of lots and portions of lots have contiguous frontage and single ownership, the lands involved shall be considered to be an undivided parcel for the purpose of this section. No division of the parcel shall be made except as set forth in [Chapter 102](#) of the Birmingham City Code. The invalidity of any clause, sentence, paragraph or part of this section shall not affect the validity of the remaining parts of this section. This section is declared necessary to control the density of residential districts of the city.
- C. Access to Residential Lots: No residential building shall be erected on any lot which does not abut for at least 30 feet upon a street and which does not have a minimum width of 30 feet, as measured at a 90-degree angle from the side lot line, for the full distance between the front and rear lot lines. This requirement shall not apply to lots which are platted and unimproved as of December 12, 1966, which lots must abut for at least 15 feet upon a street or permanent unobstructed easement of access connecting such lot with a street.
- D. Land Required to Satisfy Regulations: No portion of a lot used in or necessary for compliance with the of this chapter shall through sale or otherwise again be used to satisfy the zoning requirements of another lot.

4.28 LO-02

This Lot Standards section applies to the following district:

R7

The following lot standards apply:

- A. Frontage: All frontage on each street abutting a site proposed for development must be contiguous and continuous
- B. Building Site: No portion of the building site shall be so separated or isolated from any other portion of the site so as to preclude allowing the purpose of the Site Plan Review Section in Article 7 or so as to isolate or adversely affect the desirability or use of adjoining property.

4.29 LO-03

This Lot Standards section applies to the following district:

R8

The following lot standard applies:

- A. Utilities: All buildings shall be served by underground utilities.

Open Space Standards (OS)

Contents:

- 4.30 OS-01**
- 4.31 OS-02**
- 4.32 OS-03**
- 4.33 OS-04**
- 4.34 OS-05**
- 4.35 OS-06**
- 4.36 OS-07**
- 4.37 OS-08**
- 4.38 OS-09**
- 4.39 OS-10**

4.30 OS-01

This Open Space Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 P R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1 TZ3

The following open space standards apply:

- A. Minimum Open Space: The minimum open space shall be as per each two-page layout in Article 2.
- B. Maximum Lot Coverage: The maximum lot coverage shall be as per each two-page layout in Article 2.
- C. Projections into Required Open Space: Projections into the open spaces required by each two-page layout in Article 2, shall be permitted as follows:
1. An unenclosed, covered or uncovered, concrete, masonry or wooden porch, deck and/or steps may project into a front open space for a maximum distance of 10 feet. The floor of a porch, deck or top step shall not be higher than the floor of the first story. This provision shall not reduce the required front set-back to less than 10 feet. Said porches and decks shall not project into the required side open space, except as provided elsewhere in this Article. Said porches and decks shall be restricted to 1 story in height.
 2. Roof overhangs, cornices, eaves, gutters, lintels, planter boxes, chimneys, bay windows and similar projections may extend or project into a required open space not more than 2 inches for each 1 foot of width of such required open space provided that such extensions may not project more than 2 feet into the front or rear open space, except as provided elsewhere in this Article.
 3. Patios, terraces, porches or decks may not project into the required side open space except that steps leading to an entrance, patio, terrace, porch or deck may project into the required side open space. Such steps shall project not more than 3 inches for each 1 foot width of such required open space up to a maximum of 3 feet. Where the side open space is required by this chapter for parking or driveway purposes, the projection shall not reduce the drivable or usable area for those purposes to less than 7 feet in width.

4. Basement window wells may project into the required side open space and rear open space a maximum of 3 feet measured to the inside of the well opening. Basement window well structures may not project more than 8 inches above grade, excluding the height of an approved guard rail. Basement window wells that project into the required side open space or rear open space shall not exceed 6 feet in width and must be covered at grade with a suitable covering capable of sustaining the weight of not less than 500 pounds or be enclosed with a guard rail in accordance with the current applicable edition of the Michigan Residential Building Code or the Michigan Building Code.
5. A porch, deck and/or steps may project into a rear open space for a maximum distance of 15 feet. The floor of said porch, deck or top step shall not be higher than the floor of the first story. This provision shall not reduce the required rear setback to less than 15 feet. Said porches and decks shall not project into the required side open space, except as provided elsewhere in this Article. Said porches and decks shall be restricted to 1 story in height.
6. When no exterior staircase exists for an accessory structure, a bonus of 75 square feet of area is permitted in the accessory structure if used for an interior fixed and stationary staircase.

4.31 OS-02

This Open Space Standards section applies to the following districts:

R1 **RIA** **R2** **R3**

The following open space standards apply:

A. Paved Surface Limitations:

1. A minimum of 65% of the front open space in all single-family districts shall be free of paved surfaces (i.e., concrete, blacktop, gravel, brick or a similar material), excluding building encroachments, uncovered porches, sidewalks 3 feet in width or less, and handicap access ramps.
2. Motor vehicles are only permitted within the front open space on a paved surface in conformity with the requirements of Chapter 110 of the Birmingham City Code.

4.32 OS-03

This Open Space Standards section applies to the following district:

R6

The following open space standards apply:

- A. Minimum: Each development shall maintain a minimum landscaped open space equal to 35% of the total land area. Such landscaped open space shall be functionally usable for recreation and shall be so planted and maintained as to provide screening of the development from the public street or private property within the neighborhood.
- B. Parking Limitations: No portion of the required front open space may be used for parking purposes.

4.33 OS-04

This Open Space Standards section applies to the following district:

R7

The following open space standards apply:

- A. Minimum: Each development shall maintain a minimum landscaped open space equal to 35% of the total land area. Such landscaped open space shall be functionally usable for recreation or screening.
- B. Parking Limitations: No portion of the required front open space may be used for parking purposes.

4.34 OS-05

This Open Space Standards section applies to the following district:

R8

The following open space standards apply:

- A. Accessible:

1. Each dwelling unit shall have on the same lot and immediately accessible to the living area a usable enclosed private open space of at least 180 square feet.
2. The private open space shall be enclosed with a solid wood or masonry fence having a minimum height of 6 feet and a maximum height of 8 feet.

4.35 OS-06

This Open Space Standards section applies to the following districts:

B2 B2B B2C B3 B4 MX

The following open space standard applies:

- A. Parking Limitations: For residential uses, no portion of the required front open space may be used for parking purposes.

4.36 OS-07

This Open Space Standards section applies to the following districts:

B2B B2C

The following open space standards apply:

- A. Residential: Usable outdoor open space for residential uses shall be provided on the same lot as the principal building in the following amounts, based upon the number of habitable rooms per dwelling unit:
1. If the number of rooms is 2 or less, then 100 square feet of open space is required.
 2. If the number of rooms is 3, then 150 square feet of open space is required.
 3. If the number of rooms is 4 or more, then 200 square feet of open space is required.
- B. Location:
1. The open space may be supplied individually for each unit as a balcony, or collectively, providing all units for which the open space is supplied have reasonable access to the open space.
 2. The appropriate reviewing body, in accordance with the regulations set forth in the Site Plan Review and Design Review Sections in [Article 7](#), shall determine whether the open space is so located and so laid out as to be reasonably accessible and usable.
 3. Space for residential use is in addition to the requirements as outlined in Section [4.77\(A\)\(2\)](#) and Section [4.50\(A\)](#) and in addition to the setback requirements outlined in each two-page layout in [Article 2](#).

4.37 OS-08

This Open Space Standards section applies to the following district:

B2C

The following open space standards apply:

- A. Commercial and Office Uses: For buildings containing commercial and office uses totaling over 10,000 square feet in floor area, open space shall be provided in an amount not less than 10% of the floor area of the story containing the most floor area.

4.38 OS-09

This Open Space Standards section applies to the following district:

B3

The following open space standard applies:

- A. Minimum: Each development in excess of 2 stories in height shall maintain landscaped open space that is accessible to the occupants of the development equal to 15% of the total lot area.

4.39 OS-10

This Open Space Standards section applies to the following district:

B4

The following open space standards apply:

- A. Commercial and Office Uses: For buildings containing commercial or office uses totaling 10,000 square feet or more in floor area, open space shall be provided in an amount not less than 10% of the floor area of the story containing the most commercial or office floor area and must meet the following conditions:
1. Provide public pedestrian use;
 2. Provide for access to a street;
 3. Where possible, provide a physical connection to parking facilities and pedestrian ways.
- B. Accessible: This outdoor open space may be covered by a roof or by the above provided that there is a height clearance of at least 14 feet and provided further, that this open space is accessible to the public at all times. This open space requirement is in addition to the setback requirement as outlined in each two-page layout in Article 2.

Operation Standards (OP)

Contents:

4.40 OP-01

4.41 OP-02

4.42 OP-03

4.43 OP-04

4.40 OP-01

This Operation Standards section applies to the following district:

01

The following operation standard applies:

- A. Personal Property: Offices shall not entail the sale, lease, processing, storing or servicing of personal property except when required by the permitted principal use.

4.41 OP-02

This Operation Standards section applies to the following districts:

B1 B3

The following operation standard applies:

- A. Enclosed Building: All commercial, servicing or processing, except for off-street parking or loading, and swimming pools, shall be conducted within a completely enclosed building.

4.42 OP-03

This Operation Standards section applies to the following district:

B1

The following operation standards apply:

- A. Retail or Service Establishments: All commercial establishments shall be retail or service establishments dealing directly with consumers.
- B. Goods Produced: All goods produced on the premises shall be sold at retail on premises where produced.
- C. Delivery Sales: Delivery sales are prohibited.

4.43 OP-04

This Operation Standards section applies to the following district:

MX

The following operation standards apply:

- A. Hours of Operation:

1. Commercial, office and service uses are permitted to be open between the hours of 7:00 a.m. and 11:00 p.m.
2. Industrial uses are permitted to be open or operating between the hours of 7:00 a.m. and 11:00 p.m.
3. Recreational uses are permitted to be open between the hours of 7:00 a.m. and 11:00 p.m.

Outdoor Dining Standards (OD)

Contents:

4.44 OD-01 Outdoor Dining Standards

4.44 OD-01 Outdoor Dining Standards

This Outdoor Dining Standards section applies to the following districts:



The following outdoor dining standards apply:

- A. Outdoor Dining: Outdoor dining is permitted immediately next to the principal use, subject to Site Plan Review, and the following conditions:
1. Outdoor dining areas shall provide and service refuse containers within the outdoor dining area and maintain the area in good order.
 2. All outdoor activity must cease at the close of business or as noted in subsection 3 below.
 3. When an outdoor dining area is immediately adjacent to any single-family or multiple-family residential district, all outdoor activity must cease at the close of business or 10:00 p.m., whichever is earlier.
 4. Outdoor dining may be permitted on the sidewalk throughout the year with a valid Outdoor Dining License.
 5. All tables and chairs provided in the outdoor dining area shall be constructed primarily of metal, wood, or material of comparable quality.
 6. Table umbrellas shall be considered under Site Plan Review and shall not impede sight lines into a retail establishment, pedestrian flow in the outdoor dining area, or pedestrian or vehicular traffic flow outside the outdoor dining area.
 7. For outdoor dining located in the public right-of-way:
 - a. All such uses shall be subject to a license from the city, upon forms provided by the Community Development Department, contingent on compliance with all city codes, including any conditions required by the Planning Board in conjunction with Site Plan approval.
 - b. In order to safeguard the flow of pedestrians on the public sidewalk, such uses shall maintain an unobstructed sidewalk width as required by the Planning Board, but in no case less than 5 feet.
 - c. Outdoor dining is permitted to extend in the right-of-way in front of neighboring properties, with the written permission of the property owner(s) and with Planning Board approval, if such property is vacant or the first floor storefront(s) is/are vacant. Outdoor dining areas may extend up to 50% of the width of the neighboring lot(s) storefront(s), or up to 50% of the lot(s) frontage, if such lot is vacant.
 - d. City Commission approval is also required for outdoor dining extensions onto neighboring property if the establishment making such a request holds a bistro license.
 - e. An elevated, ADA compliant platform may be erected on the street in front of an eating establishment to create an outdoor dining area only if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 - f. No such facility shall erect or install permanent fixtures in the public right-of-way.
 8. Outdoor dining is permitted in a B1 District at a rate of 4 seats for every 12 linear feet of store frontage, with no more than 12 seats total per building; no elevated enclosed platforms on the street are permitted in a B1 District.

(Ord. No. 2359, 02/14/2022)

Effective on: 3/7/2022

Parking Standards (PK)

Contents:

4.45 PK-01 General Parking Standards

4.46 PK-02 Off-Street Parking Spaces Required

4.47 PK-03**4.48 PK-04****4.49 PK-05****4.50 PK-06****4.51 PK-07****4.52 PK-08****4.53 PK-09**

4.45 PK-01 General Parking Standards

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. Duty of Continuing Compliance: The owner and occupants of real estate on which new buildings have been built after March 31, 1958, and the owner and occupants of real estate on which buildings, whether built before or after March 31, 1958, are substantially altered or additions made thereto after March 31, 1958, shall have the duty to provide and maintain the off-street parking requirements of this Article. The building official may require a written designation of the required off-street parking area in recordable form. Upon any transfer of title to the real estate on which such building or buildings are located, the transferee or transferees and the occupants shall have the continuing duty to maintain the off-street parking requirements of this chapter. It shall be unlawful for the owner and occupants of any building subject to this chapter to discontinue or change, or to cause the discontinuance or change, of the required off-street parking without establishing, prior to such discontinuance or change, alternative off-street parking which meets the requirements of and is in compliance with this Article.
- B. Plans Required: Plans must be submitted to the Planning Board or the Historic District Commission showing how the required parking spaces shall be arranged in the area supplied for that purpose, so as to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to the parking area.
- C. Site Plan Approval: Plans for all property utilized for the temporary storing of motor vehicles, except when the property so used is located in a district zoned single-family residential by this chapter and the area thereof accommodates 3 or fewer vehicles, shall be submitted to the Planning Board for non-historic site plan approval or the Historic District Commission for historic site plan approval, in accordance with the regulations as set forth in the Site Plan Review Section in [Article 7](#).
- D. Certificate of Occupancy and Use: No certificate of occupancy and use will be issued upon completion of any building or the extension or addition thereto unless and until all off-street parking space requirements, shown on the plans, or made a part of the building permit, are in place and ready for use.
- E. Off-Street Parking:
1. The off-street parking facilities required under this article shall be used solely by the occupants, employees, visitors, patrons, clientele for motor vehicles. The storage of merchandise, motor vehicles for sale, or the repair of vehicles is expressly prohibited.
 2. Off-street parking facilities shall be provided in an amount not less than specified in this article, for the parking of self-propelled vehicles for the use of the occupants, employees, patrons and clientele of:
 - a. Buildings erected after March 31, 1958; and
 - b. Buildings erected prior to March 31, 1958, at such time that any addition or extension is made to such building.
 3. Whenever the use of any lot or building is changed and under the provisions of the Zoning Ordinance, the new use is required to provide more parking space than was provided for the prior use, all required parking must be provided in an area which meets the requirements of Section [4.54](#) and the provisions of Chapter 110 of the Birmingham City Code.
 4. Off-street parking spaces being provided as of March 31, 1958, for the parking of automobiles to serve an existing building or use shall not be reduced to an amount less than that hereinafter required for a similar new building or use.
 5. Whenever by virtue of this article, parking facilities must be provided for a building which is used or is to be used for more than one of the types of uses referred to in this article, parking facilities must be provided for each and all of

such uses.

6. Fences are required in connection with off-street parking facilities in accordance with the regulations of Section 4.54.

F. Additional Parking: In any district, a residential building being used for nonresidential purposes, except places of public assembly, shall provide in addition to the off-street parking space or spaces for the dwelling units required under Section 4.45(A), Section 4.46, Section 4.50, and Section 4.51 off-street parking in the same amounts set forth in Table A for that portion of the floor area which is being utilized for nonresidential purposes.

G. Methods of Providing Parking Facilities: The required off-street parking facilities for buildings used for other than residential purposes may be provided by any one of the following methods:

1. By providing the required off-street parking on the same lot as the building being served, or where practical, and with the permission of the City Commission, the area in the public right-of-way abutting the property in question may be included as a portion of the required parking area if such area is improved in accordance with plans which have been approved by the engineering department.
2. By providing the required off-street parking within 100 feet of the building being served, distances being measured along the most direct line of public pedestrian access.
3. By the collective provisions of the required off-street parking for 2 or more buildings or uses, provided that the total of such off-street parking areas shall not be less than the sum of the requirements of the various buildings or uses computed separately, and the location of such area meets the requirements of subsection (2) of this section, except as provided in Section 4.45(G)(4) below.
4. By the shared provisions of the required off-street parking for 2 or more buildings or uses, which has been approved by the Planning Board. Shared parking between uses is based on the fact that certain neighboring uses may operate at different times over a 24-hour period with their greatest demand for parking occurring during different times. By allowing uses to share a parking facility, the amount of impervious land in the city may be reduced.
 - a. The total number of combined spaces required for each use may be reduced by up to 50% upon the Planning Board making the determination that the peak parking demands of the uses being served occur at different times and the parking area meets the anticipated demands of all the uses. The Planning Board will make this determination based upon the following information, to be provided by the petitioner:
 - i. The peak hours of operation for each use.
 - ii. The average parking demand and the peak parking demand for each use, based on reliable data. Such data will include actual parking counts for these uses, or at similar uses or actual parking counts are not available, reliable traffic/parking demand models may be used.
 - iii. The impact of shared parking arrangement on adjacent uses.
 - iv. Written legal evidence in the form of deeds, leases or contracts that establish the shared parking facility.
 - b. Once a shared parking arrangement is approved by the Planning Board, such arrangement must be recorded on the land titles for all affected properties. If a shared parking arrangement is subsequently terminated, or if the uses change, Planning Board approval shall be automatically revoked and each use shall be required to comply with the requirements of this section.
 - c. The petitioner(s) shall be responsible for any costs incurred by the city in contracting with consultants to review the proposed site plan as deemed necessary by the Community Development Director.
5. By payment of a special assessment levied against the entire building site where the special assessment district has been created for purposes of constructing a municipal parking facility.
 - a. Required conditions. The following regulations shall apply to all lands in a parking assessment district unless otherwise provided:
 - i. The maximum allowable floor area ratio (FAR) in the parking assessment districts shall not exceed 100%, except that the maximum usable floor area may be increased up to 200% by providing 1 parking space for every 300 square feet over the maximum 100% FAR.
 - ii. Religious institutions in the parking assessment district are exempt from this maximum FAR provision.
 - iii. In the case of religious institutions and buildings occupied by nonprofit organizations providing services to the general public, by securing permission to use the parking facilities of other buildings within 500 feet of the religious institution or community center building when such other building is not normally open, in use, or in operation during the principal hours of use of such religious institution or community center building. Permission to use such other parking facilities shall be evidenced in writing for a period of not less than 1 year. In the case of nonprofit organizations, the parking to be shared must be in a parking or commercial district.

- iv. In the case of the parking area needed to meet the requirements of the ordinance being in a separate ownership from the building: a permanent exclusive use easement for the required parking with adequate ingress and egress to a public street must be submitted to the city, and such easement must be recorded in the county register of deeds.

(Ord. No. [2291](#), 10/08/2018)

Effective on: 5/13/2020

4.46 PK-02 Off-Street Parking Spaces Required

This Parking Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 P R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1 TZ3

The following parking standards apply:

- A. Off-street parking spaces are required based on land use or land uses for the site. The number of spaces required per land use is detailed in Table A.
- B. Every building intended for residential occupancy shall provide on the same lot with such building, off-street parking facilities based upon the number of habitable rooms per dwelling unit as detailed in Table A.

4.47 PK-03

This Parking Standards section applies to the following district:

B1 B2 B2B B2C B3 B4 MX 01 02 P R4 R5 R6 R7 R8 TZ1 TZ3

The following parking standards apply:

- A. All parking facilities shall be screened in accordance with the provisions in Section [4.49](#).

4.48 PK-04

This Parking Standards section applies to the following district:

R8

The following parking standards apply:

- A. Parking for Dwellings:
1. The required off-street parking spaces shall be supplied in a garage, carport or in/under the principal building.
 2. Parking, other than on driveways, shall not be permitted in the required front or side open space.

4.49 PK-05

This Parking Standards section applies to the following district:

B2 B2B B2C B3

The following parking standard applies:

- A. Parking On-Site: All required parking for residential uses shall be supplied on the principal building site or on property immediately adjacent to the principal building site.

4.50 PK-06

This Parking Standards section applies to the following districts:

B3 MX

The following parking standards apply:

- A. Parking for Residential Uses: Parking for residential uses shall be provided on the same lot with such building or on adjacent parcels of land having direct access to the principal building, as may be approved by the appropriate reviewing body pursuant to the Site Plan Review and Design Review Sections in [Article 7](#).
- B. Office and Restaurant Parking: Where there is combined within a single building an office use and a commercial restaurant, up to 30% of the parking supplied to meet the requirement of the office use may also be used to meet the

requirement for the commercial restaurant.

- C. **Office and Residential Parking:** Where there is combined within a single building, an office use and a residential use, up to 40% of the parking supplied to meet the requirement for the office use may also be used to meet the requirement for residential use, provided that the number of spaces required for residential parking shall never be less than 1 parking space per dwelling unit.
- D. **Office, Residential and Restaurant Parking:** Where there is combined within a single building, an office use, a residential use and a commercial restaurant, up to 40% of the parking supplied to meet the requirement for office use may also be used to meet the requirement for residential use and up to 30% of the remaining parking requirement for office use may be used to meet the requirement for the commercial restaurant.

4.51 PK-07

This Parking Standards section applies to the following district:

B4

The following parking standard applies:

- A. **Parking for Residential Uses:** Parking required for residential uses shall be supplied on site or within 300 feet of the residential lobby entrance of the building.

4.52 PK-08

This Parking Standards section applies to the following district:

MX

The following parking standards apply:

- A. **Off-Street Parking Facilities:**
1. Off-street parking contained in the first story shall not be permitted within 10 feet of any building facade on a frontage line or between the building facade and the frontage line.
 2. The placement of 2 abutting off-street parking facilities with continuous street frontages shall not be permitted.

Table A: Required Off-Street Parking Spaces

Land Use	Number of Off-Street Parking Spaces Required
Commercial Uses	
athletic club, health club/studio	1 space for each 550 sq ft of floor area plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
auto wash	spaces equal to 80% of the maximum units of actual or rated hourly productive capacity of the establishment
banquet facility	1 space for each 3 persons of capacity as determined by local, county or state fire, building or health codes
barber shop/beauty salon, tanning salon	2 spaces per service chair, booth or bed; or 1 space per 300 sq ft of floor area, whichever is greater
bowling alley	5 spaces per lane plus spaces as are required for restaurants, bars, assembly rooms and affiliated facilities
eating establishment - outdoor consumption	1 space for each 50 sq ft of floor area
eating establishment - indoor or combined indoor-outdoor consumption	1 space for each 75 sq ft of floor area plus such spaces as are required for assembly rooms and affiliated facilities, excluding all area utilized for outdoor dining
hospital, nursing home	1 space for each 4 patient beds
hotel, motel	1 space per rental unit plus 1 space per each 25 units plus spaces as are required for restaurants, bars, assembly room and affiliated facilities
laundromat and coin-operated dry cleaners	1 space for each 3 washing and/or dry cleaning machines

* Off-street parking shall be provided within 300' of the building being served. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for the use, provided the streetscape is improved as required by the Planning Board.

Table A: Required Off-Street Parking Spaces	
Land Use	Number of Off-Street Parking Spaces Required
Commercial Uses	
meeting room	1 space for each 3 person of capacity as determined by local, county or state fire, building or health codes
mortuary establishment	1 space for each 50 sq ft of assembly room, parlor and slumber room floor space
motor vehicle sales and service establishment	1 space for each 300 sq ft of floor area of sales room plus 1 space for each auto service stall, not to be used for new or used car storage
outdoor sales and/or display of merchandise (excluding motor vehicle sales, service and rental agencies)	1 space for each 300 sq ft of outdoor area
retail store	1 space for each 300 sq ft of floor area
taxicab service	1.5 spaces per taxicab
truck and car rental service	1 space for each 1,000 sq feet of outdoor area
other commercial use	1 space for each 550 sq ft of floor area
Mixed Uses	
Industrial, research, wholesale and warehousing establishment	1 space for each 500 sq ft of floor area
Office Uses	
bank, financial institution, commercial and professional office other than medical	1 space for each 300 sq ft of floor area
professional office of doctor, dentist, medical and dental clinic and similar use	1 space for each 150 square feet of floor area
Public Assembly Uses	
religious institution, school and other place of public assembly with fixed seats	1 space for each 6 seats
religious institution, school and other place of public assembly without fixed seats	1 space for each six person of capacity as determined by the Fire Marshal
theater	1 space for each 3 seats
Residential Uses in PP, R1A, R1, R2, R3, R4, R5, R6, R7, O1, O2, P and B1	
residential occupancy - 2 or less room unit	1.5 spaces per unit
residential occupancy - 3 or more room unit	2 spaces per unit
special purpose housing	0.5 spaces per unit
Residential Uses in R1, R2, R3, R4, R5, R6, R7, R8 O1, O2, P, B2, B2B, B3, B4 and MX	
assisted living*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
skilled nursing facility*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
continuing care retirement community*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
independent hospice facility*	0.25 spaces per bed plus 1 space per employee (on maximum shift)
independent senior living*	0.50 spaces per unit
Residential Uses in R8	
residential occupancy	2 spaces per unit
Residential Uses in B2, B2B, B3 and MX	
residential occupancy - 2 or less room unit	1 spaces per unit
residential occupancy - 3 or more room unit	1.25 spaces per unit
Residential Uses in B4	
residential occupancy - 2 or less room unit	1.25 spaces per unit
residential occupancy - 3 or more room unit	1.5 spaces per unit

* Off-street parking shall be provided within 300' of the building being served. On-street parking shall be allowed on all street frontages, where permitted by the Traffic and Safety Board. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for the use, provided the streetscape is improved as required by the Planning Board.

(Ord. No. [2292](#), 10/08/2018)

Effective on: 12/23/2018

4.53 PK-09

This Parking Standards section applies to the following districts:



The following parking standards apply:

- A. Parking Lot Frontage: Parking lots (not located in the road right-of-way) are permitted only in side and rear yards as follows:
1. When parking is located in a side yard (behind the front building line) and has frontage on a public right-of-way, no more than 25% of the total site's frontage or 60 feet, whichever is less, shall be occupied by parking lot.
 2. For a corner lot, the cumulative total of both frontages occupied by parking shall be no more than 25% or 60 feet, whichever is less, and the building shall be located at the corner of the lot adjacent to the intersection.
 3. For a double frontage lot or a lot that has frontage on 3 streets, the cumulative total of all frontages occupied by parking shall be no more than 35% of the total site's frontage or 60 feet, whichever is less.
- B. Screening: Where an off-street parking lot is visible from a street, it shall be screened by a 3 foot tall screenwall located between the parking lot and the sidewalk, meeting the requirements of Section [4.54](#). Where a parking lot is adjacent to a single-family residential district, a 6 foot tall brick screenwall meeting the requirements of Section [4.54](#) shall be provided between the parking lot and the residential use.
- C. Structures: Parking structures shall only be permitted where there is usable building space for a portion of the ground level along the street frontage. Where a parking structure is provided or parking is located on the ground level below the building, usable building space to a depth of at least 20 feet shall be provided in front of the parking for the minimum required building length.
- D. Required Parking: Each use shall provide the parking required by the off-street parking space requirement of [Article 4](#) Table A, except as provided for in this Section. Off-street parking shall be provided for within 300 feet of the building being served.
- E. On-street Parking: On-street parking shall be allowed on all street frontages, where permitted by the Police Department. On-street parking located along a lot's frontage may be credited towards meeting the parking requirements for that use, provided the streetscape is improved to meet the requirements of Section 3.24.
- F. Driveway Access: Driveway access to off-street parking lots shall be located to provide safe separation from street intersections. Driveways shall be aligned with driveways on the opposite side of the street or offset to avoid turning movement conflicts.

Screening Standards (SC)

Contents:

4.54 SC-01

4.55 SC-02

4.56 SC-03

4.57 SC-04

4.58 SC-05

4.59 SC-06

4.54 SC-01

This Screening Standards section applies to the following districts:



The following screening standards apply:

- A. Purpose: The purpose of this section is to require a barrier, capable of containing noise, vehicular lights, visual disarray, debris and other factors detrimental to the health, safety and welfare of the community, between an open parking station, outdoor storage, dumpsters and adjacent properties. Flexibility in the materials, size, height and placement of walls is permitted in order to allow architectural harmony and usable open space and to accomplish a unified design.

B. Screenwall Descriptions: Screenwall as required by this section shall mean:

1. When required along a street line, alley, passage or mixed passage, a masonry wall with an exterior face of brick, precast aggregate panels, sculptured block, stone, architecturally treated concrete or other materials acceptable to the Planning Board which are demonstrated to be durable, easily maintained, and provide a similar permanent visual barrier.
2. When required, a screenwall of capped masonry.
3. Screenwalls shall be so constructed that the lower 32 inches in height, as measured from the finished parking lot surface, or ground surface on the outside of the screenwall, whichever is higher, shall be solid. Openings above 32 inches may be permitted provided the intent of the Zoning Ordinance is maintained and further provided the openings are not larger than 64 square inches and do not exceed 33% of the surface of the screenwall.
4. Where a screenwall is adjacent to a vehicular or pedestrian accessway, the screenwall shall be so designed and constructed as to not constitute a hazard to vehicular or pedestrian traffic.
5. Screenwalls along a street shall be so designed as to not form a continuous barrier. Depending upon the length, location and ground contour, a break in the screenwall is required every 50 to 100 feet. Such break shall be a minimum of 10 feet long. A screening wall of a material permitted under Section 4.54(C)(1) shall be constructed for the full length of the required break and shall be located a minimum of 2 feet to either the front of or the rear of the principal screenwall. The Planning Board may, upon Site Plan Review, require the screenwall spanning the break to be attached to the principal screenwall. Landscaping is required in any area created on the street side of the screenwall by the required break and shall be subject to the requirements of Section 4.54(D)(1).
6. When required along the front, side or rear of any building, a masonry screenwall shall match or complement the exterior of the building.
7. When required along the side or rear lot line of any parking facility which immediately adjoins the rear lot line of property located in a residential zone, a masonry screenwall of 6 feet. When required along the side or rear lot line of any parking facility which adjoins an alley or passage adjoining the rear line of property located in a residential zone, a masonry screenwall of 3 feet.
8. When required to screen a trash receptacle or ground-mounted mechanical or electrical equipment, a masonry screenwall with wood gates. The screenwall shall match the material of the principal building.

C. Screening Requirements: Screening shall be placed as follows:

1. Along the side or rear line of any parking facility which immediately adjoins the side line of property zoned to a residential district under the Zoning Ordinance, provided that the screenwall along the side of a parking facility located in the parking district shall not extend further than the front setback area of the abutting residential district.
2. Along the side or rear lot line of any parking facility which immediately adjoins the rear line of property located in a residential district.
3. Along the front or side of any parking facility that abuts a street, alley, passage or mixed passage.
 - a. When the property being utilized for the parking facility is zoned residential, the screenwall shall be placed along the setback line.
 - b. When the property being utilized for the parking facility is zoned parking, and abuts a residential district, the screenwall shall be placed along the setback line applicable to the abutting residential district.
 - c. When the property being utilized for the parking facility is zoned to a business or industrial district, and abuts a residential district, the screenwall shall be placed along the setback line applicable to the abutting residential zoning for that district.
 - d. When the property being utilized for a parking facility is zoned to a business or industrial district, and abuts business or industrial district, the screenwall shall be placed along the setback line; however, upon review of the Site Plan, the Planning Board may approve an alternate location for the screenwall in order to maximize the screening effect of the parking facility, or may modify the screenwall requirement by approving an evergreen screen in its place.
4. Along the front, side or rear of any parking facility underneath a building which is visible to the general public in a manner which screens the parking from public view.
5. Adjacent to ground-mounted mechanical or electrical equipment which is visible to the public in a manner which obscures the receptacle and equipment from public view.
6. In the B2B district, along the side or rear lot line of any parking facility located on the side of the building in the B2B district and immediately adjoining the rear line or an alley adjoining the rear line of property located in a residential district.

7. In all multiple-family districts and all office and business districts, the screening of trash containers shall be required and shall be constructed of 6-foot masonry screenwall with a gate. All materials shall match or complement the exterior of the building.
8. Rooftop mechanical and other equipment shall be limited, positioned and screened to minimize views from adjacent properties and public rights-of-way.
 - a. To minimize the visual impact of such equipment from adjacent elevated views all rooftop mechanical equipment and associated screening must be removed if:
 - i. The equipment is inoperable and not serviceable; or
 - ii. The equipment is obsolete and not in service, or
 - iii. The equipment is not being utilized for its intended purpose.
 - b. To minimize the visual impact of such equipment from other points of observation, rooftop mechanical and other equipment shall be obscured by a screenwall composed of materials compatible with the building or by landscaping demonstrated to provide an effective permanent visual barrier.
 - c. Any screenwall barrier:
 - i. Shall, to the best extent possible, not extend above the top edge of an imaginary plane extending upward no more than 45 degrees from the eave line; and
 - ii. Shall not exceed 10 feet in height.
9. For buildings sharing a lot line with a building of the same or greater height, such rooftop screenwalls are not required to be set back from the main building wall along the common lot line.

D. Miscellaneous Screening Requirements:

1. When screening is placed along a front setback line, the resulting front yard shall be void of all parking and storage and shall be planted and otherwise landscaped and maintained by the owner.
2. Any driveway furnishing access to a parking facility shall be considered as part of the parking facility for the purposes of the Zoning Ordinance.
3. Where two parking facilities adjoin each other and the common boundary is either a side or rear line, no screening is required along the line common to both parking facilities.
4. All screenwalls shall be maintained in good order. Plant materials in vegetative screenwalls shall be maintained in a healthy condition. Dead or diseased plant materials shall be replaced with healthy materials of like size and kind.

E. Review: The design, height and location of all screening shall be reviewed by the Planning Board.

4.55 SC-02

This Screening Standards section applies to the following district:

R7

The following screening standard applies:

- A. Noise Screening: There shall be no objectionable irritating noise emanating from air conditioning units or other mechanical equipment which would adversely affect the peace and tranquility of adjacent residents. In order to assure compliance with the requirement, the appropriate reviewing body may require yard areas or setbacks and such sound reduction equipment as may be necessary to minimize the noise from air conditioning units and other mechanical equipment.

4.56 SC-03

This Screening Standards section applies to the following district:

R8

The following screening standard applies:

- A. Front Yard Screening: Front yard screening shall be provided to shield parking from the street.

4.57 SC-04

This Screening Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 TZ3

The following screening standard applies:

- A. Office Uses: A masonry screenwall 6 feet in height shall be required where the rear lot line of an office development immediately adjoins a residential district.
- B. Screening of Outdoor Storage: All outdoor storage areas shall be fully screened from view on all sides. Screening shall be constructed of materials compatible with the principal building. Wire fences with inserted strips of metal, plastic and similar materials shall not be substituted for the required screening.

4.58 SC-05

This Screening Standards section applies to the following districts:

02

The following structure standard applies:

- A. Enclosed Mechanical Equipment: All mechanical equipment shall be completely enclosed, sound deadened where necessary, and located within the allowable height limit.

4.59 SC-06

This Screening Standards section applies to the following districts:

TZ1 TZ3

Parking lots shall meet the following requirements:

- A. Buffer Requirements: All developments within shall provide a physical and visual buffer from adjoining single-family properties in the required setbacks adjacent to single-family uses and zones. A required buffer zone must contain a minimum 6 feet high masonry wall with a sloping stone cap along the length of the subject property that abuts a single-family property. All required buffer walls must provide varying textures, materials and/or design along the length. Blank, monotonous walls are not permitted. Buffer walls must include a two (2) foot row of landscaping on the parking lot side of the wall.

Setback Standards (SB)

Contents:

4.60 SB-01

4.61 SB-02

4.62 SB-03

4.63 SB-04

4.64 SB-05

4.65 SB-06

4.60 SB-01

This Setback Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4 MX 01 02 P R1 R1A R2 R3 R4 R5 R6 R7 R8 TZ1 TZ3

The following setback standards apply:

- A. Minimum Front Yard Setback: The minimum front yard setback shall be as per each two-page layout in [Article 2](#).
- B. Minimum Rear Yard Setback: The minimum rear yard setback shall be as per each two-page layout in [Article 2](#).
- C. Minimum Combined Front & Rear Yard Setback: The minimum combined front and rear yard setback shall be as per each two-page layout in [Article 2](#).
- D. Minimum Side Yard Setback: The minimum side yard setback shall be as per each two-page layout in [Article 2](#).

4.61 SB-02

This Setback Standards section applies to the following districts:

R1 R1A R2 R3 R4 R5 R6 R7 R8

The following setback standards apply:

A. Corner Lot:

1. A corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. This requirement shall not reduce the buildable width of any lot to less than 25 feet.
2. Where there is no abutting interior residential lot on such side street, the minimum side street setback shall be 10 feet for the permitted principal building, 15 feet for permitted attached garages with vehicle entry doors facing the side street, and 15 feet for permitted accessory buildings.

4.62 SB-03

This Setback Standards section applies to the following district:

R8

The following setback standard applies:

- A. Front Setbacks: A variation of front setbacks of dwelling units of at least 4 feet is required; however, this setback may be reduced by the appropriate reviewing body upon determination that the reduction shall not impair the free flow of air, light and other living amenities to the residents of the building and adjacent residential buildings.

4.63 SB-04

This Setback Standards section applies to the following district:

B2

The following setback standards apply:

A. Front Setback:

1. For buildings containing residential in combination with commercial uses; no setbacks are required for commercial, office or parking stories.
2. The setbacks are measured to the centerline of the public right-of-way adjoining the front lot line.

4.64 SB-05

This Setback Standards section applies to the following district:

TZ1

- A. Interior Parcels: Interior parcels on a side/local street which abut a single-family zoned district shall have a front setback equal to the average front setback of single-family homes within 200' on the same side of the street.
- B. Front setback: Maximum front setbacks for Attached Single-family developments may be extended with approval of the Planning Board if the board finds that:
1. The use of an alternative front setback would be more compatible with the scale and massing of adjacent residential land uses.

4.65 SB-06

This Development Standards section applies to the following districts:

TZ3

- A. Front Yard Setback Exceptions: In the TZ3 Districts, 75% of the length of the ground level street-facing façade of the building must be built within 5 feet of the front lot line. The precise setback between 0 and 5 feet shall be consistent with the front building line along the block, or as determined by the Planning Board where a clear setback doesn't exist. The Planning Board may grant exceptions to allow a greater amount of the building to be setback when the front yard area, or forecourt, is used for one or more purposes listed below.
1. Widening the sidewalk along the frontage of the building.
 2. Providing a public gathering area or plaza that offers seating, landscape enhancements, public information and displays, fountains, or other pedestrian amenities.
 3. Providing outdoor seating for the proposed use.

Storage and Display Standards (SD)

Contents:

4.66 SD-01

4.67 SD-02

4.68 SD-03

4.69 SD-04

4.70 SD-05

4.71 SD-06

4.72 SD-07

4.66 SD-01

This Storage and Display Standards section applies to the following districts:



The following storage and display standards apply:

A. Sale of Christmas Trees:

1. Other provisions of this ordinance notwithstanding, Christmas trees may be stored, displayed and sold without the use of a building or other structure by religious institutions, schools or other nonprofit, organizations on property owned by such institution or organization.
2. All trees, parts of trees and any other refuse or debris resulting from use under this section, and all signs in connection therewith, shall be removed from such property no later than December 26 of the year the property was so used.

(Ord. No. [2293](#), 10/08/2018)

Effective on: 12/23/2018

4.67 SD-02

This Storage and Display Standards section applies to the following district:



The following storage and display standards apply:

- #### A. Outdoor Display: Outdoor display is permitted as an accessory use to a permitted principal use on the same property, subject to the following standards:
1. All outdoor displays at gasoline service stations and party stores are required to obtain Site Plan Review and Design Review Approval in accordance with [Article 7](#) of the Zoning Ordinance. Outdoor displays for any other permitted principal uses on a site are required to obtain Design Review Approval in accordance with [Article 7](#) of the Zoning Ordinance.
 2. Outdoor displays shall be permitted only as an accessory use on the same lot as the permitted principal use or Special Land Use, and shall not be operated as a separate business.
 3. Outdoor displays shall not exceed a maximum of 4 feet in height.
 4. For all buildings, including multi-tenant, the combined area of outdoor displays shall not exceed 0.5 square feet for each linear foot of the width of the building on the side where the primary entrance to the business is located, which may or may not front a street. The Historic District Commission, Design Review Board or Planning Board may designate an alternate horizontal building width.
 5. Outdoor display areas shall be located on concrete, asphalt, or paved areas and shall not be located on or within lawn areas or landscaping areas.
 6. Furniture or shelving used to display goods outside shall be made of finished metal or wood or a material of comparable quality and maintained in a good condition.
 7. An unobstructed path not less than 5 feet in width shall be continuously maintained for pedestrian access to all business entrances and no point of access or egress from any building shall be blocked at any time.
 8. Propane containers and ice storage containers are not permitted between the building and any frontage line.

9. All outdoor display areas shall be kept clean, orderly and maintained.

B. Outdoor Storage: Outdoor storage is permitted as an accessory use to the principle use subject to the following standards:

1. Outdoor storage is permitted on private property in the side open space and rear open space with administrative approval in accordance with Article 7, Section 7.14.
2. Outdoor storage is prohibited in the front open space or a side open space abutting a side street;
3. Outdoor storage shall not exceed 6 feet in height and shall be screened in accordance with Article 4, Section 4.57;
4. Outdoor storage shall be located on concrete, asphalt, or paver areas and shall not be located on or within lawn areas or landscaping areas;
5. All outdoor storage areas shall be kept clean, orderly and maintained.

4.68 SD-03

This Storage and Display Standards section applies to the following district:

01

The following storage and display standards apply:

A. Interior Storage: No interior display shall be visible from the exterior of the building.

B. Warehousing: Warehousing or indoor storage of goods or material beyond that normally required by permitted uses shall be prohibited.

4.69 SD-04

This Storage and Display Standards section applies to the following district:

B1

The following storage and display standards apply:

A. Office Use:

1. No interior display shall be visible from the exterior of the building.
2. The total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 25% of the usable floor area of either the first or second story, or the basement.

4.70 SD-05

This Storage and Display Standards section applies to the following district:

B3

The following storage and display standard applies:

A. Interior Display: No interior display, visible from the exterior, shall be permitted above the first story.

4.71 SD-06

This Storage and Display Standards section applies to the following district:

B4

The following storage and display standards apply:

A. The City Commission shall have the authority to waive any permit fees, requirements, or licenses in those instances where a community function, sponsored by a charitable, civic or community organization, has been approved by the City Commission.

4.72 SD-07

This Storage and Display Standards section applies to the following district:

(Reserved)

Street Standards (ST)

Contents:

4.73 ST-01

4.73 ST-01

This Street Standards section applies to the following districts:



The following street standards apply:

- A. Street Design: All streets shall be constructed to meet the requirements of the City of Birmingham.
- B. Sidewalks: Sidewalks in the Zoning Transition Overlay District shall be a minimum of 6 feet wide. Side-walks along Woodward Avenue shall be a minimum of 7 feet wide. The Planning Board may allow the sidewalk along blocks that are occupied by only residential uses to be a minimum of 5 feet wide.
- C. Street Tree: One (1) canopy tree shall be provided for every 40 feet of frontage and may be planted within a grass boulevard or within tree grates or tree wells in the sidewalk.
- D. Street Design: The entrances of streets into adjacent single-family residential neighborhoods shall be designed to calm traffic, encourage pedestrian use and provide a distinction between less intense residential areas and more intense commercial or mixed use areas. All such street entrances and intersections of such streets with major traffic roads may include the following elements:
 1. Curb extensions on the mainly residential street to narrow road width, reduce crosswalk length and to encourage slower vehicular speeds;
 2. Enhanced pedestrian crosswalks, including ADA compliant ramps, highly visible pavement markings, and pedestrian countdown signals;
 3. Installation of a speed table on the residential street if recommended by the Multi-Modal Transportation Board; and
 4. Installation of a pedestrian crossing island on adjacent major traffic roads if recommended by the Planning Board and/or the Birmingham Multi-Modal Transportation Plan.
- E. Vias: Vias shall be permitted and shall be required where necessary to provide access to parking lots, loading areas and garages at the property or to improve pedestrian connectivity.
 1. Vias serving as access to residential garages shall be located within an easement with a minimum pavement necessary for circulation and emergency vehicle access.
 2. Vias accessing commercial parking lots and loading areas in the rear of a site may be used as drive aisles in interior block parking lots with parking spaces along the alleys.
- F. Street Furniture: Benches and trash receptacles shall be provided by the developer in park and plaza areas and along adjoining sidewalks where the Planning Board determines that pedestrian activity will benefit from these facilities.
- G. Bicycle Facilities: All developments shall be designed to accommodate bicycle travel, including the provision of bike racks. All parking lots for commercial, recreational and institutional uses shall include sufficient bike racks to allow the parking of a minimum of one bike for every 10 automobiles or one bike for every 3,000 square feet of building floor area, whichever is greater.

Structure Standards (SS)

Contents:

4.74 SS-01

4.75 SS-02

4.76 SS-03

4.77 SS-04

4.78 SS-05

4.79 SS-06

4.80 SS-07

4.81 SS-08

4.82 SS-09

4.83 SS-10

4.74 SS-01

This Structure Standards section applies to the following districts:



The following structure standards apply:

- A. Minimum Floor Area Per Unit: The minimum floor area per unit shall be as per each two-page layout in [Article 2](#).
- B. Maximum Total Floor Area: The maximum total floor area shall be as per each two-page layout in [Article 2](#).
- C. Distance Between Buildings: Each residential lot shall provide a minimum distance between principal residential buildings on adjacent lots of 14 feet or 25% of the total lot width, whichever is larger. This requirement is in addition to the setback provisions as specified in each two-page layout in [Article 2](#).
- D. Encroachments into the Right of Way
 1. Purpose and Intent: The purpose and intent of this section is to ensure that any allowable encroachments into the right of way do not impede the safety and welfare of the general public and foster a pedestrian friendly environment that prioritizes the accessibility of space, light and air for all users while simultaneously allowing for creative and innovative architectural design and construction.
 2. Applicability: This section applies to all encroachments that extend into the public right of way at, above or below grade.
 3. Approval Required: Any encroachment into the public right of way must comply with the Michigan Building Code and requires City approval. Encroachments may be subject to a Special Treatment License approved by the Engineering Department, lease agreement approved by the City Commission and/or may require monetary compensation to the City. Encroachments into the right of way may also require approval by an appropriate reviewing body as per Article 07, Processes, Permits and Fees and are subject to the requirements set forth in this section.
 4. General Encroachment Standards:
 - a. Below Grade Encroachments: All below grade encroachments must be reviewed by the Community Development Department and approved by the City Commission through a lease agreement.
 - b. Above grade encroachments 8' and below: Permanent architectural features such as columns, pilasters, belt courses, lintels pediments and similar features may be approved by the Planning Board, Design Review Board and/or Historic District Commission or through administrative approval, as determined by the Planning Director, to project into the right of way provided they do not create any obstruction and that the encroachment complies with the design review standards set forth in Article 07 of the Birmingham [Chapter 126 - Zoning](#).
 - c. Above grade encroachments above 8':
 - i. Removable architectural elements such as awnings, canopies, marquees may be approved by the Planning Board, Design Review Board and/or Historic District Commission or through administrative approval, as determined by the Planning Director, to project into the right of way provided that they are constructed to support applicable loads without any ground mounted supports on public property. Encroachments with less than 15' of clearance above the sidewalk shall not extend into or occupy more than two-thirds of the width of the sidewalk or 5 feet, whichever is less, and must not interfere with any existing or planned streetscape elements or infrastructure.
 - ii. Permanent architectural features such as windows, balconies, overhangs and other architectural features that encroach into the right of way above 8' may be approved by the Planning Board, Design Review Board and/or the Historic District Commission provided that they do not extend 2' or more into the right of way or create an obstruction and that the encroachment complies with the design review standards set forth in Article 07 of the Birmingham [Chapter 126 - Zoning](#). Encroachments that extend more than 2' into the right of way will also require the approval of the City Commission through a lease agreement.
 - iii. Permanent encroachments that create usable space such as cantilevered rooms, dormers, elevated walkways, balconies, bridges and similar projections may be approved by the Planning Board, Design Review Board and/or the Historic District Commission provided they comply with the design review standards set forth in Article 07 of the Birmingham [Chapter 126 - Zoning](#) and must be approved by the City Commission through a lease agreement.
 - d. Temporary encroachments:

- i. Temporary encroachments associated with construction projects are subject to approval of an obstruction permit or logistical plan to be reviewed and approved by the Community Development and Engineering Departments.
- ii. Temporary encroachments that are seasonal in nature such as vestibules or storm enclosures may be approved by the Planning Board, Design Review Board and/or Historic District Commission through the site plan and design review process provided that an unobstructed 5' public pedestrian path is provided at all times and that the temporary encroachments are is subject to a rental fee rate as indicated by the Birmingham Schedule for Fees, Charges, Bonds and Insurance.

(Ord. No. [2319](#), 05/06/2019)

Effective on: 5/26/2019

4.75 SS-02

This Structure Standards section applies to the following districts:

R1 R1A R2 R3

The following structure standards apply:

A. Private, Attached Single-Family Residential Garages:

1. A private, attached, single-family residential garage shall not occupy more than 50% of a linear building width of a principal residential building that faces a street, and must be setback a minimum of 5 feet from the portion of the front facade on the first floor of a principal residential building that is furthest setback from the front property line, excluding those items listed in Section [4.30\(C\)](#): Projections into Required Open Space.
2. Garage doors on an attached garage which are facing a street may not exceed 9 feet in width; where there are multiple doors, they must be separated by a solid wall or jamb not less than 8 inches wide.

B. Dormer Limitations: Dormers projecting from second story roofs of principal structures are subject to the following:

1. Dormers are limited in width to 33% of the roof they project from per elevation facing interior lot lines; and 50% of the roof they project from per elevation facing a street. No individual dormer may exceed 8 feet in width as measured to the interior dimension.
2. Dormers may not exceed the height of the roofline they project from.
3. Dormers on elevations facing interior lot lines must be located behind the eaves of the roofline they project from and setback a minimum of 8" from the face of the second floor façade below.
4. For purposes of this section, roof structures covering living space that projects a minimum of 24 inches from the main building and is supported on a foundation are not considered dormers.

(Ord. No. [2222](#), 03/13/2017)

Effective on: 4/2/2017

4.76 SS-03

This Structure Standards section applies to the following districts:

B1 B2B B2C B3 B4

The following structure standard applies:

- ### A. Residential Uses: One-family and two-family dwelling units shall be permitted provided that the floor area for each dwelling unit does not exceed the total of the floor area used for commercial purposes plus 450 square feet when used for parking within the same building.

4.77 SS-04

This Structure Standards section applies to the following districts:

B2 B2B B2C B3

The following structure standards apply:

A. Residential Uses:

1. When a building is to be used for commercial and residential occupancy, no dwelling units shall occupy the first story or below the first story. No commercial, office or parking use shall be located on the same story or on a story above a residential use.
2. Every building having commercial and residential uses must provide and maintain separate interior entrances and stairways for the exclusive use of the residential portion of the building.

4.78 SS-05

This Structure Standards section applies to the following districts:

B2B B2C

The following structure standard applies:

- A. Residential Uses: When a building is to be used for commercial and residential occupancy, no commercial or office use shall be located above the first story.

4.79 SS-06

This Structure Standards section applies to the following district:

B3

The following structure standards apply:

- A. Enclosed Building: All commercial, except for off-street parking, loading and swimming pools, shall be housed and conducted within a completely enclosed .
- B. Multiple-Family Units: Any building containing multiple-family dwelling units shall not have office or commercial uses above the first story.
- C. Residential Use: No office, commercial or parking use may be located on the same story or above a residential use.
- D. Lobby:
1. Every building having mixed residential and commercial uses must provide and maintain a separate lobby and stairway or elevator for the exclusive use of the residential portion of the building.
 2. The lobby shall have a minimum area of 150 square feet with the shortest side at least 10 feet in length.
 3. Public access to the residential lobby and stairway or elevator from the commercial stories is prohibited.

4.80 SS-07

This Structure Standards section applies to the following district:

B4

The following structure standards apply:

- A. In buildings which contain commercial and office uses, any retail service uses on the first story shall be located adjacent to any abutting public sidewalk; except where all public sidewalk frontage is occupied by retail or service uses, additional interior retail or service uses may be provided.
- B. For buildings containing residential uses or residential uses in combination with commercial and/or office uses:
1. The commercial uses may occupy the first 2 stories and the basement, subject to the conditions in the two-page layout in [Article 2](#). No story may be utilized for commercial and/or office purposes, which is located above a story used for residential purposes.
 2. Every building having residential uses in combination with commercial and/or office uses may have a combined lobby area and elevator for all uses, provided that commercial and/or office users of the building do not have access to the residential portion of the building.

4.81 SS-08

This Structure Standards section applies to the following district:

MX

The following structure standards apply:

A. Building Size and Placement:

1. Front building facades at the first story shall be located at the frontage line.
2. In the event of adjacent preexisting setbacks, or the appropriate use of other design elements to define the streetwall, an adjustment may be allowed or required by the Planning Board.
3. Side setbacks are not required.
4. A minimum 10-foot rear setback shall be provided from the midpoint of the alley, except that the Planning Board may allow this setback to be reduced or eliminated. In the absence of an alley, the rear setback shall be equal to that of an adjacent, preexisting building.
5. All buildings shall have their principal pedestrian entrance on the frontage line.
6. In the absence of a building facade, a screenwall shall be built along the frontage line and aligned with the adjacent building facade. Screenwalls shall be no less than 32 inches in height and made of brick, stone, or other masonry material matching the principal building. Upon approval by the Planning Board, screenwalls may be a continuous, maintained evergreen hedge or decorative metal fencing except when a screenwall is required by Section 4.54(C)(1) to screen parking facilities. Screenwalls may have openings a maximum of 25 feet to allow vehicular and pedestrian access. Screenwalls that exceed 48 inches in height shall include architectural details that are compatible with the architecture of the principal building.
7. First-floor awnings may encroach upon the frontage line and public sidewalk, but must avoid street trees; provide at least 8 feet of clearance above the sidewalk; and be set back a minimum of 2 feet from the road curb.
8. Upper-floor awnings shall be permitted only on vertically proportioned windows, provided that the awning is only the width of the window and encroaches upon the frontage line no more than 3 feet.
9. First floor space must be designed with a minimum clearance between the finished floor and the finished ceiling of 12 feet, to allow the space to be converted to/from residential and nonresidential uses.

B. Access:

1. All principal buildings shall have a frontage line on a public right-of-way, dedicated public open space, or permanently preserved open space.
2. The Planning Board may require shared access or connections between adjacent developments as a means to limit conflict points along public roads.
3. Street connections to adjacent parcels and the existing road network shall be provided where there is the possibility to create future street connections as determined by the Planning Board. Road stubs for future connections shall be improved to the parcel or lot line.
4. The proposed use shall be designed to minimize the impact of traffic generated by the use to the extent that is reasonably feasible, giving consideration to economic and site conditions. Consideration shall be given to the following as reviewed by the City Staff, City Engineer, and/or the City's consultants:
 - a. Relationship between the proposed development and existing and proposed streets;
 - b. Estimated traffic generated by the proposed use;
 - c. Location and access to off-street parking;
 - d. Provisions for vehicular traffic; and
 - e. Continuation of the planned street network for the corridor as identified in the Eton Road Corridor Plan.

4.82 SS-09

This Development Standards section applies to the following district:



Attached single-family residential dwellings, multiple-family dwellings and live/work dwellings shall meet the following architectural design requirements:

A. Front Façade:

1. All ground floor residential units shall provide a pedestrian door facing the front lot line.
2. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.
3. All ground floor dwellings shall include a front patio or porch. The patio or porch shall have a minimum depth of 4 feet and a minimum area of 24 square feet.

4. The first floor elevation shall be between 0 feet and 6 feet above the exterior sidewalk elevation in front of the building.
 5. The front façade of all residential units shall be at least 25% windows or doors.
 6. The requirement for a front patio or porch above shall not apply to live/work units where the first floor façade is designed as a storefront meeting the requirements of Section 4.90, WN-01.
 7. Garage doors shall not be permitted on a front façade.
- B. Building Materials: All buildings shall utilize high-quality building materials that are in keeping with traditional architectural styles. Permitted wall materials include, brick, stone, wood, pre-cast stone and fiber cement siding. Vinyl siding is prohibited.
- C. Corner Parcels: Corner parcels in the Zoning Transition Overlay District shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:
1. There are no city major streets fronting on the subject parcel; or
 2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.

4.83 SS-10

This Use Specific Standards section applies to the following district:

TZ3

- A. Corner Parcels: Corner parcels in the Zoning Transition Overlay District shall be developed with the front lot line facing a city major street as defined in P.A. 51. of 1959. The Planning Board may approve an alternative front lot line if the board finds that:
1. There are no city major streets fronting on the subject parcel; or
 2. The use of an alternative front lot line would be more compatible with the scale and massing of adjacent residential land uses.
- B. Facade Requirements: Walls that face a public street, plaza, green or park shall include windows and architectural features customarily found on the front of a building, such as awnings, cornice work, edge detailing or decorative finish materials.
1. Blank walls longer than 20 feet are not permitted on any front façade. Blank walls longer than 30 feet are not permitted on any façade.
 2. All buildings shall have a main entrance that is located on at least one (1) street front. Main entrances shall have design details that enhance the appearance and prominence of the entrance so that it is recognizable from the street and parking areas.
 3. For buildings longer than 100 feet, there shall be a minimum of one (1) usable entrance every full 50 feet of frontage along the front public sidewalk and shall provide architectural variation to visually break the building up on all facades.
 4. Garage doors shall not be permitted on a front façade.
- C. Roof Design:
1. Mansard roofs shall not be permitted on single story buildings. Pitched and mansard roofs shall not be permitted with eaves below a height of 20 feet. All roof edges shall be accentuated in a manner proportionate to the size of the building and length of the wall.
 2. Flat roofs shall be enclosed by parapets.
 3. All rooftop mounted equipment shall be screened from view on all sides of the building.
 4. Parapets and other screening treatment shall use high quality building materials and shall blend with the design of the building in terms of color, materials, scale and height.
- D. Building Materials: The following exterior finish materials are required on the front façade and any façade facing a street, plaza, park or parking area. These requirements do not include areas devoted to windows and doors.
1. All walls exposed to public view from the street, or parking area shall be constructed of not less than 60% brick, stone or glass. Panel brick and tilt-up brick textured paneling shall not be permitted.
 2. The remaining façade may include wood siding or fiber cement siding. Exterior insulation finish systems (EFIS) may be used for architectural detailing above the first floor.

3. Buildings that have upper stories shall be designed to create a distinct and separated ground floor area through the use of accent such as a string course, change in material or textures, or an awning or canopy between the first and second stories.

Temporary Use Standards (TU)

Contents:

4.84 TU-01

4.85 TU-02

4.86 TU-03

4.87 TU-04

4.84 TU-01

This Temporary Use Standards section applies to the following districts:



The following temporary use standards apply:

- A. **Permitted Temporary Uses:** Subject to the specific regulations that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary uses are permitted:
 1. **Temporary office buildings:** Such buildings are allowed for the purpose of conducting business for a permitted use in association with a development project under building permit or granted preliminary Site Plan Approval subject to conformance with Chapter 22 of the Birmingham City Code.
 2. **Ecclesiastical Homeless Shelter Programs:** Such use is permitted when it is a temporary accessory use to a religious institution with the following requirements:
 - a. Such a use shall be wholly accommodated inside a religious institution.
 - b. Such a use shall be permitted for a period not to exceed 7 consecutive days upon inspection by the Fire Marshal and Building Official.
 - c. No more than 1 such event is permitted from the same facility in any 12-month period.
 - d. No more than 30 overnight guests may be accommodated on any 1 night within the approved week- long program.
 3. **Garage, yard and estate sales or auctions:** Such sales are permitted with the following requirements:
 - a. Sales are allowed for a period not to exceed 3 consecutive days.
 - b. No more than 2 sales are permitted from the same residence in any 12-month period.
 - c. A temporary use permit is not required for a sale, provided they are conducted by the property owner.
 - d. All signs for sales are regulated by Section 7.27(B)(5).
 - e. Sales conducted by professional auctioneers or other on-site household liquidation specialists shall be licensed by the City Clerk, in conjunction with Chapter 26 of the Birmingham City Code.
 4. **Tents:** Tents are permitted in connection with any permitted, accessory, temporary or special use with the following requirements.
 - a. No tent shall be allowed to remain for a period of more than 10 days, unless as approved by the City Commission as part of a special land use permit.
 - b. All tents shall comply with the bulk, space and setback requirements applicable to accessory uses pursuant to the Zoning Ordinance.
 5. **Other temporary uses:** Any other temporary use consistent with the purposes and intent of the regulations of the district in which such use is located is permitted with the following requirements:
 - a. Such use shall require a temporary use permit.
 - b. The Community Development Department shall establish a limitation on the duration of every temporary use approved not greater than for similar uses, and in no case longer than 30 days.
 - c. Any approval granted shall be deemed to authorize only the particular use for which it was given, and shall not be construed to be any right or entitlement to any subsequent approval for the applicant or any other person.

(Ord. No. [2294](#), 10/08/2018)

Effective on: 12/23/2018

4.85 TU-02

This Temporary Use Standards section applies to the following district:

PP

The following temporary use standards apply:

- A. **Permitted Temporary Uses:** Subject to the specific regulations that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary use is permitted:
1. *Civic uses of public property:* Any civic use of any public building or property is permitted when authorized by the City Commission—refer to Chapter 98, of the Birmingham City Code.

4.86 TU-03

This Temporary Use Standards section applies to the following districts:

R1 R1A R2 R3 R4 R5 R6 R7 R8

The following temporary use standards apply:

- A. **Permitted Temporary Uses:** Subject to the specific regulations that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary use is permitted:
1. *Seasonal plant sales:* Any religious institution, school or other nonprofit organization may conduct seasonal plant sales on property owned by such institution or organization.
 - a. Such sales shall be limited to a period not to exceed 30 days.
 - b. Plant displays need not comply with the setback requirements of the Zoning Ordinance. The displays shall meet the requirements of Section [4.87](#).
 - c. All refuse or debris resulting from such sales shall be wholly contained on the premises and removed from the premises after the end of the sale.
 - d. Christmas tree sales require a license as defined in Section 26-88 of the Birmingham City Code.

(Ord. No. [2295](#), 10/08/2018)

Effective on: 12/23/2018

4.87 TU-04

This Temporary Use Standards section applies to the following districts:

B1 B2 B2B B2C B3 B4

The following temporary use standards apply:

- A. **Permitted Temporary Uses:** Subject to the specific regulations that follow and to the other applicable regulations of the district in which the use is permitted, the following temporary use is permitted:
1. *Seasonal plant sales:* Such sales may be conducted with the following requirements:
 - a. Such sales shall be limited to a period not to exceed 30 days.
 - b. Plant displays need not comply with the setback requirements of the Zoning Ordinance. The displays shall meet the requirements of Section [4.87](#).
 - c. All refuse or debris resulting from such sales shall be wholly contained on the premises and removed from the premises after the end of the sale.
 - d. Christmas tree sales require a license as defined in Section 26-88 of the Birmingham City Code.

Utility Standards (UT)

Contents:

4.88 AE-01: Alternative Energy

4.88 AE-02: Alternative Energy

4.88 AE-01: Alternative Energy

This Utility Standards section applies to the following districts:



The following utility standards applies:

- A. **Purpose and Intent:** The purpose and intent of the city is to balance the need for clean and renewable energy resources with the necessity to protect the public health, safety and welfare of the city, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large.
- B. **Solar Energy Facilities:** The city shall allow the construction and operation of solar energy facilities and shall provide standards for the placement, design, construction, modification and removal of solar energy facilities that address public safety, minimize impacts on scenic, natural and historic resources without significantly increasing the cost or decreasing the efficiency of such systems.
1. **Roof-Mounted Solar Electric Systems:**
 - a. Roof-mounted solar panels are permitted on buildings and structures in all zoning districts and may include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection, separate flush mounted solar panels attached to the roof, associated electrical equipment such as meters, charge controllers, inverters, storage batteries, or similar ancillary equipment, or solar photovoltaic shingles;
 - b. Separate, non-integrated flush-mounted solar panels shall be located on a rear- or side-facing roof, which do not front any street, unless such installation is proven to be ineffective or impractical. If installation is not practical on a rear- or side- facing roof, any other placement in all zoning districts shall be subject to review by the Planning Division. Wall or façade-mounted solar panels are not permitted;
 - c. Any roof-mounted solar electric systems proposed on a historic building, or on a building or structure in an established historic district are subject to a Design Review by the Historic District Commission;
 - d. Separate flush-mounted solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than five (5) feet above a flat roof installation;
 - e. No solar panels shall ever project higher than the permitted building height in any Zoning District;
 - f. All solar electric systems proposed on the roof of a building shall be uniform in color and match or complement the color of the roof material. All frames (internal and external) shall match the color of the collector surface and all solar panels must have anti- reflective coatings to prevent glare; and
 - g. All ancillary equipment installed in conjunction with roof- mounted solar electric systems is permitted on the side or rear building facades only. Storage batteries shall be installed in the interior of the building only.
 2. **Ground-Mounted Solar Electric Systems:**
 - a. Ground-mounted solar electric systems, including standard and pole mounted arrays, are not permitted.

(Ord. No. [2353](#), 07/26/2021)

Effective on: 8/29/2021

4.88 AE-02: Alternative Energy

This Utility Standards section applies to the following districts:



The following utility standards applies:

- A. **Purpose and Intent:** The purpose and intent of the city is to balance the need for clean and renewable energy resources with the necessity to protect the public health, safety and welfare of the city, as well as to preserve the integrity, character, property values, and aesthetic quality of the community at large.
- B. **Wind Energy Facilities:** The city shall allow as an accessory use, with review by the Planning Board and/or Historic District Commission, the construction and operation of wind energy facilities and to provide standards for the placement, design, construction, monitoring, modification and removal of wind facilities that address public safety, minimize impacts on scenic, natural and historic resources without significantly increasing the cost or decreasing the efficiency of such systems.
1. **Applicability:** This section applies to all on-site wind energy facilities. Any physical modification to existing wind energy facilities that materially alters the type, increases the size, or increases the adverse impact on surrounding properties, shall require a review by the Planning Board and/or Historic District Commission.

2. Planning Approval Required:

- a. Wind energy facilities shall be limited to the average needs of the structure on the same parcel and shall be a permitted accessory use; subject to the required standards of this section provided they are incidental and secondary to a permitted principal use on the same parcel. The rated capacity of wind energy facilities must correlate with consumption.
- b. Wind energy facilities may be connected to the electrical grid when a parcel on which the system is installed also receives electrical power supplied by a utility company. If a parcel on which a system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company in accordance with applicable state and federal law.
- c. Wind monitoring (anemometer) towers are permitted in all non-residential zoning districts subject to the issuance of a temporary use permit and a building permit. Permanent anemometer towers shall be subject to review and approval in conjunction with wind energy facility.
- d. No wind energy facility shall be erected, constructed, installed or modified as provided in this section without first obtaining approval from the Planning Board and/or Historic District Commission. The construction of a wind energy facility shall be permitted in non-residential zoning districts as an accessory use subject to the approval of the Planning Board and/or Historic District Commission and provided that the use complies with all requirements set forth in this section.

The Planning Board and/or the Historic District Commission have the discretion to deny plans based on aesthetics of the wind energy system.

All such wind energy facilities shall be constructed and operated in a manner that minimizes any adverse visual, safety, and environmental impacts. No approval of any board or commission shall be granted unless it is found that:

- i. The specific site is an appropriate location for such use;
 - ii. The use is not expected to adversely affect the area;
 - iii. There is not expected to be any serious hazard to people, property or animals from the use;
 - iv. No nuisance is expected to be created by the use; and
 - v. Adequate and appropriate facilities will be provided for the proper operation of the use.
- e. Approvals may also impose reasonable conditions, safeguards and limitations and require the applicant to implement all reasonable measures to mitigate unforeseen adverse impacts of the wind energy facility, should they occur.
 - f. Multiple wind energy facilities may be permitted provided they meet all requirements specified in the Zoning Ordinance and their number and placement is appropriate for the site and is architecturally and visually compatible with the surrounding area.

3. General Site Standards:

- a. Height: No wind energy facility may exceed the maximum permitted or actual legal non-conforming building height by more than 20 ft. in any district
- b. Noise: Except during short-term events including utility outages and severe wind storms, wind energy facilities shall be designed, installed and operated so that noise generated by the system shall be the lesser of 60 dB as measured at any closest inhabited dwelling or 55 dB at the boundary of any adjacent property line.
- c. Location:
 - i. The center of a wind energy facility turbine tower shall be set back no less than 5 feet from all lot lines and rights-of-way or no less than one-half the diameter of the rotor and blades, whichever is greater.
 - ii. The swept area of wind energy facilities must be set back at least 3 feet from any lot line.
 - iii. Wind energy facilities may not be located between the front lot line and the front wall of the principal use.
 - iv. No portion of any wind energy facility's exposed moving parts shall extend to within 20 feet of the ground, or to within 10 feet of any overhead utility lines, or as determined by a utility company.
- d. Screening: Screening of ground mounted mechanical equipment is required in accordance with Article 4, Section 4.54 SC-01 Screening of the Zoning Ordinance, in order to mitigate aesthetic impacts upon the neighborhood.
- e. Shadow Flicker: Wind energy facilities shall be sited in a manner that minimizes shadowing or flicker on adjacent properties. The applicant has the burden of proving that this effect does not have significant adverse impacts on neighboring or adjacent uses through siting or mitigation.
- f. Access and Safety:

- i. Wind energy facilities shall be designed and installed so as to prevent unauthorized access to electrical and mechanical components and shall be secured or locked at all times when service personnel are not present.
 - ii. Climbing apparatus shall be located in a place that is in accordance with MIOSHA standards as to prevent climbing.
- g. **Removal:** Any wind energy facility that has not been used in 180 days, or has otherwise been determined abandoned, shall be removed by the owner and/or operator of the facility. If a wind energy facility has not been removed within 30 days of a deadline specified by the City, the City of Birmingham may remove or secure the removal of the facility at the owner/operator's sole expense. All equipment associated with the facility shall be removed at the same time.

4. Design Standards:

- a. **Color and Finish:** The Planning Board shall have discretion over the turbine color, although a neutral, non-reflective exterior color designed to blend with the surrounding environment is encouraged. If the site is located within a historic district, the Historic District Commission will have discretion over the turbine color.
- b. **Lighting:** Wind Energy Facilities may be lighted only if required by the Federal Aviation Administration. Lighting of other parts of the wind energy facility, or related structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. If lighting is necessary a photometric plan is required.
- c. **Signage:** Signs on the wind energy facility shall comply with the requirements of the City of Birmingham's Sign Ordinance, and shall be limited to:
 - i. Wind energy facilities shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
 - ii. Those necessary to identify the owner, provide a 24-hour emergency contact phone number, and warn of any danger; and
 - iii. Educational signs providing information about the facility and the benefits of renewable energy.
- d. **Utility Connections:** All utility connections for and from the wind energy facility shall be located underground. Electrical transformers for utility interconnections may be above ground if required by utility provider but must be screened according to the Zoning Ordinance.
- e. **Related Structures:** All related structures to wind energy facilities shall be subject to regulations concerning bulk and height of accessory structures as well as all other development standards. All related structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other and adjacent buildings and shall be contained within the turbine tower whenever technically feasible. Structures shall only be used for housing equipment for this particular site.

5. Submittal Requirements:

- a. Wind energy facilities are subject to Site Plan Review or Design Review by the Planning Board and/or the Historic District Commission.
- b. All wind energy facilities shall obtain a building permit, along with any other permits required by federal, state and local agencies, prior to erecting a system.
- c. **Proof of Liability Insurance:** The applicant shall be required to provide evidence of liability insurance in an amount and for a duration sufficient to cover loss or damage to persons and structures should there be a failure of the wind energy facility.
- d. **Site Control:** At the time of application for a Site Plan Review, the applicant shall submit documentation of actual or prospective control of the project site sufficient to allow for installation and use of the proposed facility. Documentation shall also include proof of control over setback areas and access roads, if required. Control shall mean legal authority to prevent the use or construction of any structure for human habitation within the setback areas.
- e. **Site Plan:**
 - i. A site plan signed and sealed by a licensed engineer, of the subject property and all properties within 200 feet showing existing buildings and structures, utility lines and poles, landscaping and all other items which may effect the placement of the wind energy facility.
 - ii. An elevation drawing of the proposed location of the wind energy facility.
 - iii. Color photographs and an elevation drawing with the wind energy facility and all necessary equipment superimposed in the proposed location.

- iv. Specification sheets for all equipment, identifying all parts of the system, including, but not limited to, the manufacturer and model, turbine, tower height and type, rotor diameter, foundation, any accessory equipment, and the manufacturers electrical plans and specifications.
- v. Any other information or evidence required by City Officials.

(Ord. No. [2353](#), 07/26/2021)

Effective on: 8/29/2021

Vision Clearance Standards (VC)

Contents:

4.89 VC-01

4.89 VC-01

This Vision Clearance Standards section applies to the following districts:



The following vision clearance standard applies:

- A. Corner Lots: On any corner lot, no wall, fence or other structure or any hedge, shrub or other growth shall be maintained at a height which would obscure the vision of drivers properly using the street.

Window Standards (WN)

Contents:

4.90 WN-01

4.90 WN-01

This Window Standards section applies to the following districts:



The following window standards apply:

- A. Storefront Windows: Ground floor façades shall be designed with storefronts that have windows, doorways and signage, which are integrally designed. The following standards apply:
1. No less than 70% of a storefront/groundfloor façade between 1 and 8 feet above grade shall be clear glazing.
 2. Only Clear glazing is permitted on storefront façades at the first floor. Lightly tinted glazing above the first floor may be permitted. Mirrored glass is prohibited.
 3. Required window areas shall be either pedestrian entrances, windows that allow views into retail space, working areas or lobbies. Display windows set into the wall may be approved by the Planning Board.
 4. Windows shall not be blocked with opaque materials or the back of shelving units or signs.
 5. The bottom of the window shall be no more than 3 feet above the adjacent exterior grade.
- B. Ground floor building elevations: Building elevations on the ground floor that do not face a frontage line but contain a public entrance shall be no less than 30% clear glazing between 1 and 8 feet above grade.
- C. Blank walls of longer than 20 feet on the ground floor façade shall not face a plaza, park, parking area or Public Street.
- D. Upper Story Windows: Openings above the first story shall be a maximum of 50% of the total façade area. Windows shall be vertical in proportion.
- E. To allow flexibility in design, these standards may be modified by a majority vote of those appointed and serving on the appropriate reviewing body including the Planning Board, Design Review Board, and/or Historic District Commission for architectural design considerations provided that the following conditions are met:
- a. The subject property must be in a zoning district that allows mixed uses;
 - b. The scale, color, design and quality of materials must be consistent with the building and site on which it is located;
 - c. The proposed development must not adversely affect other uses and buildings in the neighborhood;
 - d. Glazing above the first story shall not exceed a maximum of 70% of the façade area;

e. Windows shall be vertical in proportion.

(Ord. No. [2244](#), 07/24/2017)

Effective on: 8/20/2017

ARTICLE 5: USE SPECIFIC STANDARDS

Contents:

- 5.01 PP District**
- 5.02 R1A District, R1 District, R2 District, R3 District**
- 5.03 R4 District, R5 District, R8 District**
- 5.04 R6 District**
- 5.05 R7 District**
- 5.06 O1 District**
- 5.07 O2 District**
- 5.08 P District**
- 5.09 B1 District**
- 5.10 B2 District, B2B District, B2C District**
- 5.11 B3 District**
- 5.12 B4 District**
- 5.13 MX District**
- 5.14 TZ1**
- 5.15 TZ2 & TZ3**

5.01 PP District

This Use Specific Standards section applies to the following district:

PP

The following use specific standards apply:

- A. Use Permitted in Adjacent District: The City may permit the use of city owned property and public right-of- way for any permitted principal, accessory, or special land use which is permitted in an immediately adjacent zoning district, subject to the requirements of the adjacent zoning district and all applicable provisions of this Zoning Ordinance and provided the use has been approved by the City Commission pursuant to the public land use policy and procedures adopted by the City Commission resolution.

5.02 R1A District, R1 District, R2 District, R3 District

This Use Specific Standards section applies to the following districts, except where noted otherwise:

R1 R1A R2 R3

The following use specific standards apply:

- A. Family Day Care Home: Family day care homes shall not be considered home occupations for the purpose of this Article and are permitted under the following provisions:
1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk. An application fee as established by the City Commission and set forth in [Appendix C](#) shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
 2. Only the care provider and his/her immediate family shall reside in the home.
 3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
 4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.

5. Children (not related to the care provider) shall not be dropped off or picked up between the hours of 8:00 p.m. and 7:00 a.m.
 6. There shall be no signs for the family day care home.
 7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:
 - a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:
 - i. Location of parking for parents/guardians and caregivers.
 - ii. Hours of operation.
 - b. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.
 8. Family day care homes may operate Monday through Saturday only.
- B. Home occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- D. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- E. Single-family cluster (applicable only to R1A, R1, and R2 and not applicable to R3 properties): The intent of the single-family cluster is to provide flexibility in the placement of buildings and implementation of innovative design concepts within single-family residential districts. Cluster developments shall be in accordance with the regulations as set forth in this section and other applicable sections of the Zoning Ordinance. Upon a conflict between the regulations of this section and those of other sections, the regulations set forth below shall apply:
1. *Approval procedure*. Subject to the provisions of this section, the Planning Board may approve of the placement of detached single residences in any single residential district in a manner other than set forth in the two-page layouts in [Article 2](#). Such development, called cluster development in this section, may be permitted by the Planning Board upon its finding that any one or more of the following conditions exist:
 - a. The lot contains natural assets such as trees, wildlife habitats, or unusual topographic features that should be preserved.
 - b. Topographic or subsoil conditions make development under other regulations impractical.
 - c. Floodplain covers a portion of the lot.
 - d. The configuration of the lot is odd shaped and not suitable for development under other regulations.
 - e. The lot contains frontage on a major road and development along the road would cause traffic problems which could be alleviated by alternative road designs such as cul-de-sacs or loop streets.

2. *Required findings.* A request for cluster development shall not be approved unless the Planning Board:
 - a. Determines the proposal would not be contrary to the health, safety and welfare of the occupants of adjacent areas;
 - b. Determines the proposal would create a sound and stable residential area;
 - c. Determines the request is compatible with the purpose of the cluster option, which is to maintain natural areas and topography, or improve the open space characteristics of a given area; and
 - d. Determines that there has been compliance with all provisions of this section and other pertinent provisions of the Zoning Ordinance.
3. *Objections of abutting property owners.* If written objections have been filed by at least 20% of the owners of all real property abutting or directly across a street or alley from the cluster development lot, the Planning Board may approve a cluster development only upon an affirmative vote of at least 6 members.
4. *Minimum lot area.* The detached single-family cluster option may be utilized in the following single-family districts provided that the minimum lot area is: R1A – 80,000 sq ft, R1 – 36,000 sq ft, R2 – 24,000 sq ft.
5. *Site plan and Design Review.* All cluster developments shall obtain Site Plan and Design approval from the Planning Board in accordance with the regulations as set forth in [Article 7](#).
6. *Area regulations.* Each cluster development shall meet all of the following regulations:
 - a. The total number of dwelling units shall not be more than 20% greater than the lot area divided by the required minimum lot area as set forth in the two-page layouts in [Article 2](#), for the zoning district in which the property is located.
 - b. Land used for streets, alleys or walkways shall not be included in the computation of density.
 - c. All land not intended to be conveyed to individual dwelling unit owners shall be set aside for the use of all occupants of the development. All such lands shall be protected by restrictions or covenants running with the land and must be approved by the City Attorney to assure the following:
 - i. That title to the open space is held in common by the owners of all dwelling units in the detached single-family cluster development.
 - ii. A permanent organization for maintenance and management of all such areas shall be assured by legal documents prior to the issuance of the building permit.
7. *Setbacks.* There are no setback requirements from any lot line which does not form a boundary line of the cluster development site. Public streets located wholly within the cluster development site shall not be deemed to be boundary lines for the purpose of determining setbacks. The setbacks from all lot lines forming the boundary of the cluster development shall meet the following minimum requirements:
 - a. Setbacks from lot lines abutting a street. Where there are 2 or more existing single-family residential dwellings outside the cluster development on the same side of the street, and within 300 feet of the lot boundaries, the setback of all buildings abutting the street shall be no less than the average distance between the street lot line and the existing residential buildings. In no case shall a setback from a street lot line be less than 25 feet.
 - b. Setbacks from all other lot lines. The setback from any lot other than a lot line abutting a street shall be not less than 15 feet.
8. *Distance between buildings.* No dwelling unit shall be located closer than 14 feet to another dwelling unit.
9. *Bulk and height requirements.* The bulk and height requirements for a cluster development shall be as set forth in the two-page layouts in [Article 2](#), for the zoning district in which the development is located.
10. *Accessory buildings.* Accessory buildings appurtenant in use to all dwelling units may be permitted by the Planning Board within a cluster development.
11. *Parking requirements.* A minimum of 2 parking spaces per dwelling unit shall be supplied in a garage attached to or part of the dwelling unit.
12. *Access.* The cluster development shall meet all of the following requirements for access:
 - a. The lot shall abut upon a dedicated public street for a distance of at least 50 feet.
 - b. Streets shall be designed to provide means for safe and convenient vehicular traffic both within the cluster development and to and from adjacent areas.
 - c. A dead-end street may be used only where a cul-de-sac or other turnaround is provided.
 - d. The street widths, curves, drainage, cul-de-sac and other design features shall be approved by the Police, Fire and Public Works Departments of the City.

- e. Streets shall be designed and constructed in accordance with the engineering design standards adopted and published by the City Commission and shall be approved by the City Engineer.
 - f. Private streets are not permitted in cluster developments.
13. *Easements and utilities.* Easements shall be provided as required for existing and proposed utility lines. All distribution lines for telephone and electric service shall be placed underground, and such lines shall be placed within private easements or within dedicated public rights-of-way.

5.03 R4 District, R5 District, R8 District

This Use Specific Standards section applies to the following districts:



The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.

(Ord. No. [2325](#), 08/05/2019)

Effective on: 9/15/2019

5.04 R6 District

This Use Specific Standards section applies to the following district:



The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.

2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.

(Ord. No. 2326, 08/05/2019)

Effective on: 9/15/2019

5.05 R7 District

This Use Specific Standards section applies to the following district:

R7

The following use specific standards apply:

- A. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
 3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.

11. No more than 25% of the gross area of the building shall be used for such home occupation.
- B. Parking - Public, Off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- C. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- D. Rooftop Use Standards:
 1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.
- E. Special-purpose housing: The following regulations shall apply to all special-purpose housing developments. In the event of a conflict between the following regulations and those of the R7 district, the regulations set forth below shall apply:
 1. Minimum lot area. A minimum of 60,000 square feet of total land area.
 2. Maximum number of units. A maximum of 160 dwelling units.
 3. Required minimum lot area in square feet per dwelling unit.
 - a. Efficiency and one-bedroom dwelling unit: 400 square feet.
 - b. Two-bedroom dwelling unit: 625 square feet.
 4. Required minimum usable floor area in square feet per dwelling unit.
 - a. Efficiency and one-bedroom dwelling unit: 500 square feet.
 - b. Two-bedroom dwelling unit: 700 square feet.
 5. Maximum building heights. 50 feet or 5 stories (see Section 4.17 for accessory buildings and Section 4.16(C) for exceptions to height limitations).
 6. Setbacks:
 - a. Front. Minimum of 15 feet or half of the building height, whichever is greater.
 - b. Side. Each side setback shall be 12 feet or half of the building height, whichever is greater, subject to the limitations set forth in Article 4 for accessory buildings.
 7. Open space. A minimum of 50% of the total land area shall be maintained as landscaped open space.
 8. Site plan review. Every special purpose housing project shall receive Site Plan and Design Review from the appropriate reviewing body as provided for in Article 7.

(Ord. No. 2327, 08/05/2019)

Effective on: 9/15/2019

5.06 O1 District

This Use Specific Standards section applies to the following district:

01

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
 1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and

8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- B. Kennel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code)
- C. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- D. Loading Facility: A loading facility is permitted provided such facilities are screened according to Section 4.54.
- E. Parking Facility - Off-street: A parking facility is permitted provide such facilities are screened according to Section 4.54.
- F. Pharmacy: A pharmacy is permitted when incidental to a medical or dental office located within the same building.
- G. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.
- H. Veterinary Clinic: A veterinary clinic is permitted when completely enclosed within a building.

(Ord. No. 2311, 09/17/2018; Ord. No. 2328, 08/05/2019)

Effective on: 9/15/2019

5.07 02 District

This Use Specific Standards section applies to the following district:

02

The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.

11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- B. Food or drink establishment: A food or drink establishment is permitted excluding drive-in facilities.
- C. Kenel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code).
- D. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- E. Loading Facility: A loading facility is permitted provided such facilities are screened according to Section 4.54.
- F. Parking Facility - Off-street: A parking facility is permitted provide such facilities are screened according to Section 4.54.
- G. Pharmacy: A pharmacy is permitted when incidental to a medical or dental office located within the same building
- H. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.
- I. Veterinary Clinic: A veterinary clinic is permitted when completely enclosed within a building.

(Ord. No. 2312, 09/17/2018; Ord. No. 2329, 08/05/2019)

Effective on: 9/15/2019

5.08 P District

This Use Specific Standards section applies to the following district:



The following use specific standards apply:

- A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- B. Home Occupation: A home occupation is subject to the following provisions:
1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
 2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.

3. There shall be no exterior indication by sign or otherwise of the home occupation.
 4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
 5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
 6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
 7. The home occupation shall not include the direct sale of products off display shelves or racks.
 8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
 9. Home occupations may be conducted in a permitted accessory building.
 10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
 11. No more than 25% of the gross area of the building shall be used for such home occupation.
- C. Parking Facility Private Off-street: An off-street parking facility is permitted for the parking of self-propelled vehicles for periods not exceeding 24 hours at any 1 time with no commercial use, storage or service connected therewith.
- D. Parking - public, off-street: Public off-street parking is permitted in connection with parks, stadiums, government offices, government uses, and public schools.
- E. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.
- F. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.
- G. Shelter Building: A shelter building is permitted for attendant or attendants provided such building is no larger than 50 square feet in area and no higher than 8 feet.

(Ord. No. [2313](#), 09/17/2018; Ord. No. [2330](#), 08/05/2019)

Effective on: 9/15/2019

5.09 B1 District

This Use Specific Standards section applies to the following district:

B1

The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores and drugstores is permitted subject to special land use permit.
- B. Drive-in Facility: A drive-in facility is permitted provided it is accessory to the permitted principal use.
- C. Gasoline Full Service Station: A gasoline full service station is permitted provided any mechanized car wash systems shall be limited to 25 cars per hour.
- D. Kenel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code).
- E. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- F. Loading Facility: A loading facility is permitted provided facilities are screened according to Section [4.54](#).
- G. Parking Facility: A parking facility is permitted provide such facilities are screened according to Section [4.54](#).
- H. Rooftop Use Standards:
 1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.

- iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
2. Rooftop structures and amenities may not contain habitable space.

(Ord. No. [2331](#), 08/05/2019)

Effective on: 9/15/2019

5.10 B2 District, B2B District, B2C District

This Use Specific Standards section applies to the following districts:



The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- C. Dwelling - One-family: One-family dwellings are permitted on those sites simultaneously designated either D2, D3, D4 on the Regulating Plan provided such dwellings meet the regulations of the Zoning Ordinance.
- D. Dwelling - Two-family: Two-family dwellings are permitted on those sites simultaneously designated either D2, D3, D4 on the Regulating Plan provided such dwellings meet the regulations of the Zoning Ordinance.
- E. Food or Drink Establishment: A food or drink establishment is permitted provided there is no consumption of food in a motor vehicle parked on-site.
- F. Gasoline Full Service Station: A gasoline full service station is permitted provided mechanized car wash systems shall be limited to 25 cars per hour.
- G. Kennel: A kennel is permitted in conjunction with veterinary clinics when completely enclosed within a building (see Sections 18-86, 18-87, 18-88 of the Birmingham City Code).
- H. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- I. Outdoor Amusement: Outdoor amusement is permitted and regulated under Chapter 14.
- J. Regulated Uses: Regulated uses are permitted if located more than 1,000 feet from any lot for which a certificate of occupancy has been issued for another regulated use. No more than 1 regulated use shall be permitted in a single building. The City Commission shall hear and deny, approve or approve with conditions all requests for permission to carry on a regulated use where a regulated use is permitted, in accordance with [Article 7](#).
- K. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:

- i. They are set back at least 5 feet from the eave line.
- ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
- iii. They do not have full enclosures.
- iv. They do not include eisenglass or similar enclosure materials.

2. Rooftop structures and amenities may not contain habitable space.

L. Theater: A theater is permitted provided it is located no closer than 400 feet from any property zoned R1, R1A, R2, R3, R4, R5, R6, R7 or R8.

(Ord. No. [2314](#), 09/17/2018; Ord. No. [2332](#), 08/05/2019)

Effective on: 9/15/2019

5.11 B3 District

This Use Specific Standards section applies to the following district:

B3

The following use specific standards apply:

A. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:

1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
3. No dance area is provided;
4. Only low key entertainment is permitted;
5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
9. Enclosures facilitating year round dining outdoors are not permitted.
10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.

B. Dry Cleaning: A dry cleaning facility is permitted, excluding a cleaning plant.

C. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.

D. Laundry: A laundry facility is permitted, excluding a cleaning plant.

E. Restaurant: A restaurant is permitted excluding drive-in facilities.

F. Rooftop Use Standards:

1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
2. Rooftop structures and amenities may not contain habitable space.

G. Shelter Building: A shelter building is permitted for attendant or attendants provided such building is no larger than 50 square feet in area and no higher than 8 feet.

(Ord. No. [2315](#), 09/17/2018; Ord. No. [2333](#), 08/05/2019)

Effective on: 9/15/2019

5.12 B4 District

This Use Specific Standards section applies to the following district:

B4

The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 10 seats in the Downtown Overlay District, or 15 seats in the Triangle District and Rail District;
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- C. Dwelling - One-family: One-family dwellings are permitted on those sites simultaneously designated either D2, D3, D4 on the Regulating Plan provided such dwellings meet the regulations of the Zoning Ordinance.
- D. Dwelling - Two-family: Two-family dwellings are permitted on those sites simultaneously designated either D2, D3, D4 on the Regulating Plan provided such dwellings meet the regulations of the Zoning Ordinance.
- E. Food or Drink Establishment: A food or drink establishment is permitted provided there is no consumption of food in a motor vehicle parked on-site. Drive-in facilities require a special land use permit.
- F. Gasoline Full Service Station: A gasoline full service station is permitted provided mechanized car wash systems shall be limited to 25 cars per hour.
- G. Laboratory: A laboratory is permitted when incidental to a medical or dental office located within the same building.
- H. Outdoor Amusement: Outdoor amusement is permitted and regulated under Chapter 14 of the Birmingham City Code.
- I. Rooftop Use Standards:
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.
- J. Theater: A theater is permitted provided it is located no closer than 400 feet from any property zoned R1, R1A, R2, R3, R4, R5, R6, R7 or R8.
- K. Regulated Uses: Regulated uses are permitted if located more than 1,000 feet from any lot for which a certificate of occupancy has been issued for another regulated use. No more than 1 regulated use shall be permitted in a single

building. The City Commission shall hear and deny, approve or approve with conditions all requests for permission to carry on a regulated use where a regulated use is permitted, in accordance with [Article 7](#).

(Ord. No. [2316](#), 09/17/2018; Ord. No. [2334](#), 08/05/2019)

Effective on: 9/15/2019

5.13 MX District

This Use Specific Standards section applies to the following district:



The following use specific standards apply:

- A. Alcoholic Beverage Sales: Alcoholic beverage sales for consumption off the premises in conjunction with grocery stores, drugstores, party stores and delicatessens is permitted.
- B. Automobile Rental Establishment: An automobile rental establishment is permitted provided all vehicles are stored in a public or private parking garage.
- C. Bistros: Bistros are permitted with a valid Special Land Use Permit with the following conditions:
1. No direct connect additional bar permit is allowed and the maximum seating at a bar cannot exceed 15 seats
 2. Alcohol is served only to seated patrons, except those standing in a defined bar area;
 3. No dance area is provided;
 4. Only low key entertainment is permitted;
 5. Bistros must have tables located in the storefront space lining any street, or pedestrian passage;
 6. A minimum of 70% glazing must be provided along building facades facing a street or pedestrian passage between 1 foot and 8 feet in height;
 7. All bistro owners must execute a contract with the City outlining the details of the operation of the bistro; and
 8. Outdoor dining must be provided, weather permitting, along an adjacent street or passage during the months of May through October each year. Outdoor dining is not permitted past 12:00 a.m. If there is not sufficient space to permit such dining on the sidewalk adjacent to the bistro, an elevated, ADA compliant, defined platform must be erected on the street adjacent to the bistro to create an outdoor dining area if the Engineering Department determines there is sufficient space available for this purpose given parking and traffic conditions.
 9. Enclosures facilitating year round dining outdoors are not permitted.
 10. Railings, planters or similar barriers defining outdoor dining platforms may not exceed 42" in height.
 11. Outdoor rooftop dining is permitted with the conditions that surrounding properties are not impacted in a negative manner and adequate street level dining is provided as determined by the Planning Board and City Commission. Rooftop dining seats will count towards the total number of permissible outdoor dining seats.
- D. Dwelling - Accessory: Residential units located in accessory structures are permitted provided that the residential units meet the minimum unit requirements identified in each two-page layout in [Article 2](#). Where there is a conflict between this provision and the requirements of Section [4.02](#), this section shall take precedent.
- E. Family Day Care Home: Family day care home shall be state licensed and meet the following family day care home provisions:
1. All family day care homes must be licensed with the city. Application for a family day care home shall be made to the City Clerk on such forms as shall be provided. An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for a family day care home. See Chapter 26 of the Birmingham City Code for licensing procedures.
 2. Only the care provider and his/her immediate family shall reside in the home.
 3. The maximum number of children permitted in a family day care home shall not exceed that permitted by the state.
 4. All outdoor play areas shall be enclosed with a fence of no less than 4 feet nor more than 6 feet in height, capable of containing the children within the play area.
 5. Children not related to the care provider shall not be dropped off or picked up between the hours of 8:00p.m. and 7:00 a.m.
 6. There shall be no signs for the family day care home.
 7. No family day care home shall be located closer than 750 feet from another family day care home or foster care facility except as permitted as follows:

- a. The Board of Zoning Appeals may approve the location of a family day care home within 750 feet of another family day care home or foster care facility if the Board of Zoning Appeals finds that the concentration of uses will not generate traffic, noise or other nuisances in a volume greater than would normally be expected in a residential neighborhood. The applicant is required to provide the following information to the Board of Zoning Appeals for all family day care homes within 750 feet of another family day care home or foster care facility:
 - b. Location of parking for parents/guardians and caregivers.
 - c. Hours of operation.
 - d. If the Board of Zoning Appeals gives approval to an additional family day care home within 750 feet of another family day care home or foster care facility, such approval is valid for 2 years from the date of approval.
 - e. Any family day care home licensed by the state at the time this section becomes effective and located within 750 feet of another state-licensed family day care home or foster care facility shall be permitted to continue in operation subject to its compliance with the other provisions of this section and the Zoning Ordinance.

8. Family day care homes shall operate Monday through Saturday only.

F. Food or Drink Establishment: A food or drink establishment is permitted excluding drive-in facilities.

G. Kennel: A kennel is permitted when completely enclosed within a building.

H. Loading Facility: A loading facility is permitted accessory to the principal use.

I. Parking Facility: A parking facility is permitted accessory to the principal use.

J. Parking Structure: A parking structure is permitted accessory to the principal use.

K. Regulated Uses: Regulated uses are permitted if located more than 1,000 feet from any lot for which a certificate of occupancy has been issued for another regulated use, and shall be limited to a maximum floor area of 6,000 square feet. The City Commission shall hear and deny, approve or approve with conditions all requests for permission to carry on a regulated use where a regulated use is permitted, in accordance with Article 7.

L. Rooftop Use Standards:

1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
2. Rooftop structures and amenities may not contain habitable space.

M. Renting of Rooms: The renting of rooms is permitted to not more than 2 roomers or boarders per dwelling unit.

(Ord. No. 2317, 09/17/2018; Ord. No. 2335, 08/05/2019)

Effective on: 9/15/2019

5.14 TZ1

This Use Specific Standards section applies to the following district:



A. Home Occupation: A home occupation is subject to the following provisions:

1. No one other than the resident(s) of the dwelling unit shall be employed in the conduct of the home occupation.
2. The home occupation shall not require internal or external alterations or construction features on the dwelling unit, or external equipment or machinery not customary in residential areas.
3. There shall be no exterior indication by sign or otherwise of the home occupation.
4. There shall be no noise, vibration, odor or other nuisance as a result of the home occupation detectable beyond the confines of the dwelling unit, including the transmission through vertical or horizontal party walls.
5. The home occupation shall not generate traffic in a greater volume or consisting of larger vehicle types than would normally be expected in a residential neighborhood.
6. Any parking generated by the conduct of the home occupation shall be met off the street and shall not be met in a required front yard.
7. The home occupation shall not include the direct sale of products off display shelves or racks.

8. No outdoor storage, including equipment, parts or automobiles, associated with the home occupation shall be permitted.
9. Home occupations may be conducted in a permitted accessory building.
10. The home occupation shall not operate earlier than 8:00 a.m. nor later than 10:00 p.m.
11. No more than 25% of the gross area of the building shall be used for such home occupation.

B. Rooftop Use Standards:

1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
2. Rooftop structures and amenities may not contain habitable space.

(Ord. No. [2336](#), 08/05/2019)

Effective on: 9/15/2019

5.15 TZ2 & TZ3

This Use Specific Standards section applies to the following district:



- A. Hours of Operation:** Operating hours for all non-residential uses, excluding office, shall begin no earlier than 7:00 a.m. and end no later than 9:00 p.m. However, the Planning Board may approve an extension of the hours of operation for a specific tenant/occupant upon request if the board finds that:
1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance;
 2. The use will be compatible with adjacent uses of land, existing ambient noise levels and will not be injurious to the surrounding neighborhood; and
 3. The use is in compliance with all other requirements of this Zoning Ordinance.
- B. Rooftop Use Standards:**
1. Rooftop amenities such as pergolas, trellises and other similar items are permitted on a rooftop, provided:
 - i. They are set back at least 5 feet from the eave line.
 - ii. They are of sufficient weight or anchored to the building to resist anticipated wind loads.
 - iii. They do not have full enclosures.
 - iv. They do not include eisenglass or similar enclosure materials.
 2. Rooftop structures and amenities may not contain habitable space.

(Ord. No. [2241](#), 06/12/2017; Ord. No. [2337](#), 08/05/2019; Ord. No. [2338](#), 08/05/2019)

Effective on: 9/15/2019

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6.01 Nonconformance with Prior Ordinance

6.02 Continuance of Nonconformity

6.01 Nonconformance with Prior Ordinance

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6.02 Continuance of Nonconformity

- A. Limitations:** Any nonconforming building or use existing at the time of enactment or amendment of this Zoning Ordinance may be continued if maintained in good condition, but:

1. The use shall not be changed to another nonconforming use except as permitted by the Board of Zoning Appeals.
2. The use shall not be reestablished after discontinuance for 6 months.
3. The use or building shall not be extended or enlarged except as herein provided. Nonconforming buildings may be extended or enlarged, provided that the extension or enlargement does not itself violate any provision of the Zoning Ordinance. Where the extension or enlargement will violate any provision of the Zoning Ordinance, application for a variance shall be made to the Board of Zoning Appeals pursuant to Section 8.01(F).
4. The building shall not be rebuilt or repaired after damage exceeding 75% of the true market value of the building immediately prior to damage.
5. Existing and new establishments with alcoholic beverage sales (on-premise consumption) shall obtain a Special Land Use Permit upon change in ownership or name of establishment, or upon application for a Site Plan Review.

ARTICLE 7: PROCESSES, PERMITS AND FEES

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A. Property Owners: Persons qualified to sign a petition on behalf of a business shall be those persons listed on the initial merchant's license issued by the City to the business or those persons who have paid or who are obligated to pay personal property taxes on behalf of the business, as set forth on the current assessment and tax rolls of the City Assessor. Where more than one person is thus identified as the owner of real property or doing business, all persons so identified shall be qualified to sign the petition. When one qualified person signs a petition on behalf of a business, the business shall be deemed to have approved the regulated use. When one qualified person signs a petition as owner of a parcel of real property, the parcel of real property shall be deemed to have approved the regulated use. In computing the required percentage of approvals, an owner of both a business and a parcel of real property shall be counted as 2 owners.

B. Public Notice:

1. The Planning Board, Design Review Board, or Historic District Commission shall give notice of the date of hearing of any land development application (Rezoning Amendments, Site Plan Review, Community Impact Study, Design Review, Special Land Use Permits, Lot Combinations and Divisions) to all persons to whom any real property adjacent to, abutting and directly across a street or alley from the premises described in the application shall be assessed on the tax rolls of the city. Such notice shall be delivered personally or by mail, a minimum of fifteen days prior to the hearing date and addressed to such persons at the address given in the last assessment roll. A notice sign shall also be posted in full view from a public right-of-way on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the final public hearing the notice sign was advertising. At the hearing, any persons may appear in person, by agent or by attorney. All such hearings shall be open to the public.

(Ord. No. 2354, 09/20/2021)

Effective on: 10/31/2021

7.02 Rezoning Amendments

A. Manner: The City Commission may, by ordinance, amend, supplement or change this chapter only after the Planning Board has held at least one public hearing regarding the proposed amendment and has reported to the City Commission thereon. The City Commission may hold additional public hearings as it deems necessary.

1. Notice of the time and place of any public hearing held pursuant to this section shall be published in an official paper or a paper of general circulation in the city not less than 15 days prior to the hearing, and notice shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the city clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
2. Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to this chapter which is the object of the petition shall be passed only by a three-fourths vote of the City Commission. The protest

petition shall be presented to the City Commission before final action on the amendment, and shall be signed by one of the following:

- a. The owners of at least 20% of the area of land included in the proposed change.
 - b. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change. For purposes of this Section, publicly owned land shall be excluded in calculating the 20% land area requirement.
3. Following adoption of a Zoning Ordinance amendment by the City Commission, one notice of adoption shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include the following information:
- a. A summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
 - b. The effective date of the ordinance.
 - c. The place and time where a copy of the ordinance may be purchased or inspected.

B. Rezoning:

1. *Persons Entitled to Seek Rezoning.* Only a person who has a fee interest in a piece of property, or a contractual interest which may become a fee interest in a piece of property, may seek an amendment in the zoning classification of that property under this section.
2. *Application for Rezoning.*
 - a. An application for an amendment to change the zoning classification of a particular property must be filed with the Building Official on such forms and accompanied by such fees as may be specified by the City Commission. The application and any supporting documentation shall be forwarded by the City Building Department to the Planning Board for study and recommendation.
 - b. Each application for an amendment to change the zoning classification of a particular property shall include statements addressing the following:
 - i. An explanation of why the rezoning is necessary for the preservation and enjoyment of the rights of usage commonly associated with property ownership.
 - ii. An explanation of why the existing zoning classification is no longer appropriate.
 - iii. An explanation of why the proposed rezoning will not be detrimental to surrounding properties.
 - c. Applications for amendments that are intended to change the zoning classification of a particular property shall be accompanied by a plot plan. The plot plan shall be drawn to a scale of not less than one inch equals 50 feet for a property of less than 3 acres and one inch equals 100 feet for property of 3 acres or more in size. Information required on plot plans shall be as follows:
 - i. Applicant's name, address and telephone number.
 - ii. Scale, north point, and dates of submission and revisions.
 - iii. Zoning classification of petitioner's parcel and all abutting parcels.
 - iv. Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 100 feet of the site.
 - v. Existing use of the property.
 - vi. Dimensions, centerlines and right-of-way widths of all abutting streets and alleys.
 - vii. Location of existing drainage courses, floodplains, lakes, streams, and wood lots.
 - viii. All existing easements.
 - ix. Location of existing sanitary systems and/or septic systems.
 - x. Location and size of existing water mains, well sites and building service.
 - xi. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared the plans.

If any of the items listed above are not applicable to a particular plot plan, the applicant must specify in the plot plan which items do not apply, and, furthermore, why the items are not applicable.

3. *Hearing on Application.* The Planning Board shall hold at least one public hearing on each application for amendment at such time and place as shall be established by the Planning Board.
4. *Notice of Hearing.*
 - a. If an individual property or adjacent properties are proposed for rezoning, the Planning Board shall give notice of the proposed rezoning, as follows:

- i. Notice of the time and place of the public hearing shall be published in an official newspaper or a paper of general circulation in the city, not less than 15 days before the date the application will be considered for approval.
 - ii. Notice shall be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice.
 - iii. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - iv. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.
 - v. A notice sign shall be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the sign was advertising.
- b. If the name of the occupant is not known, the term "occupant" may be used in making notification under this section. The notice shall do all of the following:
- i. Describe the nature of the request.
 - ii. Indicate the property that is the subject of the request, including all existing street addresses within the property. If there are no street addresses, other means of identification may be used.
 - iii. State when and where the request will be considered.
 - iv. Indicate when and where written comments will be received concerning the request.
5. *Findings of Fact and Recommendation of the Planning Board.* The Planning Board shall make written findings of fact and transmit same, together with its recommendation, to the City Commission. The City Commission may hold additional hearings if the City Commission considers it necessary. The Planning Board shall make findings based on the evidence presented to it with respect to the following matters:
- a. The objectives of the City's then current master plan and the City's 2016 Plan.
 - b. Existing uses of property within in the general area of the property in question.
 - c. Zoning classification of property within the general area of the property in question.
 - d. The suitability of the property in question to the uses permitted under the existing zoning classification.
 - e. The trend of development in the general area of the property in question, including any changes which have taken place in the zoning classification.
6. *Underlying Action by the City Commission.* Following receipt of the written report and recommendations from the Planning Board, the City Commission may grant or deny any application for the amendment for rezoning. If the City Commission denies the application, no application shall be reheard for at least one year, unless there have been substantial changes in the facts, evidence, and/or conditions demonstrated by the applicant. The determination of whether there have been such changes shall be made by the Planning Board at the time the application is submitted for processing.
7. *Notice of Grant of Rezone.* If the City Commission grants the rezoning application, notice of such decision shall be made in the same fashion as Section [7.02\(A\)\(3\)](#).

7.03 Architectural Design Review: Purpose

Architectural design is a key element in establishing a sense of place for a community. Buildings of high quality contribute to the attractiveness and economic well-being of a community, making it a better place to live and work. The community recognizes the importance of good architecture and its lasting impact. The objective of architectural design standards is to direct builders toward creating buildings of timeless character that are in harmony with the natural and built environment. This is a function of good architectural principles such as selecting durable materials, composing elevations using appropriate proportions, selecting harmonious colors, and combining all the architectural elements in a balanced composition.

7.04 Architectural Design Review: Application

An application form from the Planning Department, indicating the applicant's name, mailing address, location of the property, name of the architect and such other information as deemed necessary by the Planning Department or other

appropriate reviewing body shall be submitted at the time of a petition for Site Plan and/or Design Review.

7.05 Requirements

(See architectural design checklist on [Site Plan Review application](#)).

- A. Building materials shall possess durability and aesthetic appeal.
- B. The building design shall include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.
- C. Colors shall be natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors may be used as accents to provide visual interest to the facade.
- D. The building design shall provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, roof lines, and massing elements such as towers, cupolas, and stepping of the building form.
- E. These architectural elements shall be arranged in a harmonious and balanced manner.

(Ord. No. [2245](#), 07/24/2017)

Effective on: 8/20/2017

7.06 Design Review: Purpose

The purpose of this division is to foster attainment of those sections of the City's urban design plan which specifically refer to preservation and enhancement of the particular character of this city and its harmonious development, through encouraging private interests to assist in their implementation.

7.07 Design Review: Application

- A. The property owner or his representative shall submit the following:
 - 1. An application form from the Planning Department, indicating the applicant's name, mailing address, location of the property, name of architect and such other information as deemed necessary by the appropriate reviewing body.
 - 2. Eight copies of the proposed design plan to include elevation drawings of the front, side and rear of the building visible to the public and elevation drawings of adjacent buildings, showing general design treatment including color and materials of all walls, screens, towers, openings, lighting and signs and the treatment to be utilized in concealing any exposed mechanical and electrical equipment.
 - 3. Swatches of all materials, photographs of the site, existing buildings and adjoining properties, and samples of all colors to be used.
 - 4. Any other material, drawings and documents which may be helpful to or requested by the appropriate reviewing body.
- B. The appropriate reviewing body shall act upon the application within 30 days of submittal unless an extension of time is mutually agreed upon by the applicant and the appropriate reviewing body.
- C. Upon the appropriate reviewing body's request, the applicant and/or the person who has prepared the materials submitted to the appropriate reviewing body may be required to appear in person before the appropriate reviewing body.

7.08 Design Review: Requirements

All Design Review plans for new non-historic construction also requiring Site Plan Review will be submitted to and reviewed by the Planning Board. All plans, not requiring Site Plan Review or Historic District Review, for the alteration or painting of the exterior of any building and/or the addition of any lighting, signs, equipment or other structures which substantially alter the exterior appearance as determined by the City Planner shall be submitted to the Design Review Board for review. All plans for additions or alterations to historic structures or structures within a historic district shall be submitted to the Historic District Commission in addition to any required Site Plan Review. For uses requiring a special land use permit, Design Review of such uses shall be undertaken by the City Commission with recommendations from the Planning Board pursuant to Section [7.26](#). Those items not requiring Design Review by the Design Review Board are as follows:

- A. Single-family residential buildings and structures not located within a cluster development.

- B. Uses requiring a special land use permit. Design Review of such uses shall be undertaken by the City Commission with recommendations from the Planning Board pursuant to Section [7.26](#).
- C. Items such as gutters, downspouts, door and window replacement when similar materials are used, antennas, roof vents and small mechanical equipment not readily visible to the public, painting to a similar color, and items of ordinary repair and maintenance.

(Ord. No. [2321](#), 05/06/2019)

Effective on: 5/26/2019

7.09 Design Review: Review

- A. The Design Review Board shall review all documents submitted pursuant to this section and shall determine the following:
1. All of the materials required by this section have been submitted for review.
 2. All provisions of this Zoning Ordinance have been complied with.
 3. The appearance, color, texture and materials being used will preserve property values in the immediate neighborhood and will not adversely affect any property values.
 4. The appearance of the building exterior will not detract from the general harmony of and is compatible with other buildings already existing in the immediate neighborhood.
 5. The appearance of the building exterior will not be garish or otherwise offensive to the sense of sight.
 6. The appearance of the building exterior will tend to minimize or prevent discordant and unsightly properties in the City.
 7. The total design, including but not limited to colors and materials of all walls, screens, towers, openings, windows, lighting and signs, as well as treatment to be utilized in concealing any exposed mechanical and electrical equipment, is compatible with the intent of the urban design plan or such future modifications of that plan as may be approved by the City Commission.

7.10 Design Review: Permit

The Building Official shall not issue a permit for any building when the plans therefor are required to be re- viewed by the Planning Board, Design Review Board, or Historic District Commission pursuant to this section until approval has been obtained and inscribed on the plans on file with the Building Official. If the Planning Board, Design Review Board, or Historic District Commission shall fail to act on any application within 30 days from the date an application for review is filed, the Building Official may grant a permit without Planning Board, Design Review Board, or Historic District Commission action.

7.11 Design Review: Approval

Design Review approval shall be valid for a period of one year from the date it is granted. If a building permit has not been issued for the improvements described in the approved Design Review within such one-year period, the Building Official shall not issue a permit for such work until such time as Design Review approval has again been obtained.

7.12 Design Review: Application Fee

An application fee as established by the City Commission and set forth in Appendix C shall be payable upon submitting an application for Design Review pursuant to this division.

7.13 Design Review: Appeal

Any applicant for design approval or adjacent property owner aggrieved by a decision of the Design Review Board shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner and subject to the same conditions as set forth for appeals in the Zoning Ordinance.

7.14 Design Review: Planning Department Approval

- A. Planning Department approval of changes to the exterior of a building, structure and/or site is authorized in those instances where the proposed work is minor in nature will have a minimal impact on the visual appearance of the building, structure, and/or site and provided the materials used are of equal or higher quality than those previously approved. Examples of changes requiring only departmental approval include painting, installation and/or removal of

doors and/or windows, lighting, signs, landscaping, roofing material, dumpster enclosures, fences and screen walls, mechanical equipment and screening, changes in the public right-of-way, and maintenance or repair of buildings or structures.

- B. All approved changes must be clearly illustrated on a corrected copy of the final Site Plan which received final approval by the Design Review Board or Planning Board. The corrected copy of the Site Plan must also be signed and dated by the City Planner granting approval. A written record of such administrative approval shall also be maintained on such forms as may be devised by the planning department for such purposes which shall describe the nature of such approval, the date such approval was granted, and the responsible party granting such approval. A copy of this written record shall be attached to the approved final Site Plan and also provided to the Design Review Board or Planning Board at their next regularly scheduled meeting.
- C. A written chronological record of all administrative approvals shall be maintained for each calendar year by the Planning Department and shall include the following:
1. Indicate the final Site Plan being amended;
 2. Describe with specificity the changes being approved;
 3. Indicate the date the approval was granted; and
 4. Indicate the City Planner granting the approval.
- D. It shall be the responsibility of the owner to identify changes which received administrative Site Plan approval at the time construction drawings are submitted to the City Building Department.

7.15 Floodplain Use Permit: Purpose

- A. No activity regulated under Sections 4.13(C) and 4.13(D) shall be undertaken except as authorized by a floodplain use permit to be issued by the Building Official upon:
1. Adoption of a resolution of approval by the City Commission.
 2. Compliance with the provisions of this section.
 3. Compliance with all other applicable provisions of the Zoning Ordinance.
 4. A showing that all necessary development permits have been issued by appropriate local, state and federal authorities, including a floodplain permit, approval, or letter of no authority from the State Department of Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968 (MCL 323.1 et seq., MSA 3.521 et seq.). Where a development permit cannot be issued prior to the issuance of a floodplain use permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

7.16 Floodplain Use Permit: Application

- A. Applications for a floodplain use permit shall include:
1. A Site Plan showing existing structures, topographical features, and all proposed changes. The Site Plan shall include existing and proposed ground elevations and contours (one-foot intervals) and a contour showing the base flood elevation.
 2. The elevation in relation to mean sea level of the floor, including basement, of all buildings.
 3. Where floodproofing will be employed, the elevation in relation to mean sea level to which a building will be floodproofed.
 4. Where floodproofing will be employed, a certificate from a registered professional engineer or architect that the floodproofing criteria of this chapter will be met.
 5. Where it can be determined that development is proposed within the regulatory floodway, a certification is required by Section 4.13(D).
 6. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
 7. Proof of development permission from appropriate local, state and federal agencies as required by Section 7.15(A), including a floodplain permit approval, or letter of no authority from the State Department of Natural Resources under authority of MCL 323.1 et seq., MSA 3.521 et seq., as amended.
 8. Base flood elevation data where the proposed development is subject to Act No. 288, Public Acts of Michigan 1967 (MCL 560.101 et seq., MSA 26.430 (101) et seq.) or greater than 5 acres in size.

9. Such other additional information, requested by the Building Official or the City Commission, which may be reasonably necessary to determine compliance with the provisions of this Zoning Ordinance.
10. The applicant may be required to submit engineering data prepared or certified by a registered professional engineer.
11. The recipient of a floodplain use permit shall furnish the Building Official with a recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved buildings constructed within the floodplain, and in the case of floodproofed buildings, the elevation to which the building was floodproofed. Such elevation shall be certified by a registered land surveyor or a registered professional engineer.

7.17 Floodplain Use Permit: Review

- A. Applications for floodplain use permits shall be referred by the Building Official to the City Commission for review and consideration as to whether or not a resolution of approval should be adopted. The City Commission may, at its sole discretion, request advisory recommendations from the City Engineer, the Planning Board, the Design Review Board, or other municipal officials or bodies. A resolution of approval shall be adopted by the City Commission if it should determine that the proposed use would be consistent with the public health, safety and welfare after considering the following factors:
1. Private or community need for the proposed facility or use.
 2. Importance of a proposed waterfront location.
 3. Alternative locations not subject to flooding.
 4. Compatibility with existing and proposed floodplain development and use.
 5. Relationship to comprehensive plans and floodplain management program.
 6. Environmental compatibility.
 7. Danger to life and property due to increased flood heights or velocities caused by encroachments.
 8. Danger from materials swept downstream.
 9. Ability of public utilities to function during floods and the prevention of disease and contamination.
 10. The susceptibility of the proposed facility and its contents to flood damage.
 11. Potential flood heights, velocities, duration, rate of rise, and sediment transport.
 12. Accessibility to ordinary and emergency vehicles.
 13. Such other factors as may be relevant to the proposed use and the purpose of this section.

7.18 Floodplain Use Permit: Appeal

Applicants may appeal any administrative action of the Building Official made under this division to the Board of Zoning Appeals in the same manner and subject to the same conditions as set forth for appeals in the Zoning Ordinance. The action by the City Commission under Section 7.15 shall not be subject to nor the basis of such an appeal and shall be deemed to constitute a final determination by the city as to whether a resolution of approval should be adopted pursuant to Section 7.15.

7.19 Regulated Uses: Purpose

The city has recognized that because of their nature, uses defined as regulated uses, have objectionable operational characteristics, especially when concentrated in small areas. Recognizing that regulated uses may have a harmful effect on adjacent areas, special regulation of these uses is necessary to prevent crime, protect the city's retail trade, maintain property values, and generally protect and preserve the quality of the city's neighborhoods and business districts.

7.20 Regulated Uses: Application

Applications for approval of a regulated use must be submitted to the City Commission for review. A Special Land Use Permit is also required for the operation of a regulated use and the City Commission shall refer the Site Plan and the design to the Planning Board for its review and recommendation. After receiving the recommendation, the City Commission shall review the Site Plan and design of the building(s) and/or use(s) proposed in conjunction with the regulated use application. City Commission approval must be granted prior to the issuance of a regulated use license (refer to Section 26-461 of the Birmingham City Code).

7.21 Regulated Uses: Requirements

- A. The City Commission shall approve a request for a regulated use if it determines that all of the following standards are met:
1. The use will be compatible with adjacent uses of land, considering the proximity of dwellings, religious institutions, schools, public structures, and other places of public gatherings.
 2. The use will not adversely impact the capabilities of public services and facilities including sewers, water, schools, transportation, and the ability of the City to supply such services.
 3. The use will not adversely impact any cultural or historic landmarks.
 4. The use is in compliance with all other requirements of this Zoning Ordinance.
 5. The use is in compliance with federal, state, and local laws and regulations.
- B. In addition, all of the Special Land Use Permit requirements contained in Article 7 must be met for the City Commission to approve such a request for a regulated use.

(Ord. No. 2296, 10/08/2018)

Effective on: 12/23/2018

7.22 Regulated Uses: Approval

- A. The City Commission may impose conditions upon its approval of a regulated use to ensure the regulated use will be compatible with adjacent uses of land and to promote the use of land in a socially and economically desirable manner.
- B. Once the City Commission approves a regulated use, no change or alteration of the use may be made nor may any addition, alteration, or improvement which affects the nature of the use or surrounding properties be made to the building, or on the parcel of land on which the building is located, unless a new application has been filed with the city and the City Commission has approved the application. Existing businesses may continue to operate during the application process.

7.23 Regulated Uses: Appeal

A Special Land Use Permit is also required for a regulated use, and the City Commission shall refer the application to the Planning Board for review, and the application must be considered by the City Commission with the recommendation of the Planning Board for such use. Any person aggrieved by the decision of the City Commission may appeal to a court of competent jurisdiction.

7.24 Site Plan Review: Purpose

The purpose of Site Plan Review is to provide flexibility in the placement and interrelationship of buildings and uses within each site subject to plan approval, and to provide for the implementation of design concepts while at the same time maintain the overall intensity of land use, density of population, and amounts of light, air, access and landscaped open space as required in the Zoning Ordinance. The objectives of Site Plan Review are to:

- A. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design in the development;
- B. Discourage monotonous, drab, unsightly, dreary and inharmonious developments, and poor quality;
- C. Conserve the city's natural beauty and visual character and charm by ensuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearance of structures, signs and other improvements;
- D. Stabilize and improve property values and prevent blighted areas;
- E. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement; and
- F. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the city's favorable environment.

7.25 Site Plan Review: Review

1. Site Plan Reviews by the Planning Board are required for all new construction of and additions to buildings for the following types of developments:
 - A. Single-family cluster developments.

- B. Accessory buildings in all zoning districts except single-family.
 - C. Attached Single-Family Residential (R8).
 - D. Two-Family Residential (R4).
 - E. Multiple-Family Residential (R5, R6, R7).
 - F. Neighborhood Business (B1).
 - G. General Business (B2, B2B, B2C).
 - H. Office/Residential (B3).
 - I. Business/Residential (B4).
 - J. Office (O1).
 - K. Office/Business (O2).
 - L. Parking (P) and all off-street parking facilities in any zoning district except in a district zoned single-family residential when the area thereof accommodates three or less vehicles.
 - M. Mixed Use (MX).
2. For properties located within historic districts designated under Chapter 62 of the Birmingham City Code, Site Plan Reviews will also be conducted by the Historic District Commission.
3. Site Plan Reviews by the Planning Board are also required for all expansions and/or alterations of buildings as follows:
- a. Where reconstruction of exterior walls of existing buildings exceeds 33.3% of the total exterior wall area; and / or
 - b. Any alteration to an existing building and/or site which significantly alters the vehicular and/or pedestrian circulation as determined by the City Planner.

	Historic District Commission	Design Review Board	Planning Board
New construction and/or additions	Required if located in an Historic District	Not required	Required
Expansion/Alteration	Required if located in an Historic District	Not required	Required
Exterior modification without expansion/alteration of site per 7.25 (3)	Required if located in an Historic District	Required	Not required

(Ord. No. [2320](#), 05/06/2019)

Effective on: 5/26/2019

7.26 Site Plan Review: Application

Each Site Plan submitted to the Planning Board in accordance with the requirements of the Zoning Ordinance shall be on such forms and contain such information as the Planning Board shall determine necessary, including but not limited to a site plan, photometric plan, landscape plan, elevation drawings, interior floor plans, current aerial photos of the subject site and surrounding properties, specification sheets for all lighting and exterior mechanical equipment, and samples of all exterior building materials. All site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and structures, and must show the same details for all adjacent properties within 200 feet of the subject site's property lines.

- A. When all applications are filed with the Planning Department, such petition will be placed on the agenda of the Planning Board for preliminary Site Plan Review in the case of non-historic new construction, or final Site Plan Review, for non-historic properties, in the case of minor additions or alterations as determined by the City Planner.
- B. Preliminary Site Plan Review is designed to give the developer a tentative approval prior to development of construction plans. Preliminary review may not be required for additions or alterations to existing buildings, which in the judgement of the City Planner are considered to be minor in nature. After final site plans are completed, the petitioner shall submit them to the Planning Board for final Site Plan Review of non-historic properties. The Planning Board and the Historic District Commission shall jointly review the final Site Plan for historic properties.
- C. Final Site Plan Review must be applied for within six months of the granting of preliminary Site Plan approval. All provisions of applicable ordinances must be met, and any special conditions or requirements imposed by the appropriate reviewing body and in granting preliminary approval must be incorporated into the plans. Final Site Plan approval for both new construction and additions shall be given only after all phases of the plan have been approved by the

appropriate reviewing body. It shall be the responsibility of the applicant to advise the Planning Department of any changes to a Site Plan which has received final Site Plan and Design Review approval, and for requesting the necessary approval from the planning division and/ or Planning Board for such changes.

- D. The Building Official shall not issue a building permit for any building when the plans therefor are required to be reviewed by the Planning Board, the Design Review Board, or the Historic District Commission pursuant to this section until approval has been obtained and the signatures of the approving members of the appropriate reviewing body have been inscribed on the plans on file with the City Planner. However, if the appropriate reviewing body fails to act on any application within 30 days from the date an application for review is filed, the Building Official may, if the appropriate reviewing body has had an opportunity to act thereon, issue such permit without Planning Board, Design Review Board, or Historic District Commission action.

(Ord. No. [2266](#), 04/23/2018)

Effective on: 5/6/2018

7.27 Site Plan Review: Requirements

- A. Site Plan approval shall be granted only to a person, persons, or entity owning or otherwise controlling the entire area included within the proposed lot or building site.
- B. The Planning Board or the Design Review Board shall not grant approval for any development unless the conditions given in this subsection have been met.
1. The location, size and height of the building, walls and fences shall be such that there is adequate landscaped open space so as to provide light, air and access to the persons occupying the building.
 2. The location, size and height of the building, walls and fences shall be such that there will be no interference with adequate light, air and access to adjacent lands and buildings.
 3. The location, size and height of the building, walls and fences shall be such that they will not hinder the reasonable development of adjoining property nor diminish the value thereof.
 4. The Site Plan, and its relation to streets, driveways and sidewalks, shall be such as to not interfere with or be hazardous to vehicular and pedestrian traffic.
 5. The proposed development will be compatible with other uses and buildings in the neighborhood and will not be contrary to the spirit and purpose of this chapter.
 6. The location, shape and size of required landscaped open space is such as to provide adequate open space for the benefit of the inhabitants of the building and the surrounding neighborhood.
- C. Site Plans submitted for review by the Planning Board and/or the Design Review Board shall be reviewed by appropriate City departments to assure compliance with city codes, policies and/or regulations.
- D. The petitioner shall be responsible for any costs incurred by consultants, including but not limited to traffic and environmental, contracted by the City to review the proposed Site Plan and/or community impact study as determined by the city planner.
- E. A community impact study (CIS) shall be required:
1. For a new structure and/or building of 20,000 square feet of gross floor area or greater, to be prepared by the petitioner, for review by the Planning Board at the preliminary Site Plan Review.
 2. For a new structure and/or building or addition to an existing structure and/or building equaling less than 20,000 square feet of combined gross floor area, to be prepared by the petitioner upon determination by the Planning Board at preliminary Site Plan Review that the proposed development may exert a significant impact upon one or more of those elements cited in subsection (F) of this section. The CIS shall be reviewed by the Planning Board at a second preliminary Site Plan Review.
 3. For an addition to an existing structure and/or building with a combined gross floor area of 20,000 square feet or more, provided that the addition has a gross floor area greater than 10% of the gross floor area of the existing structure and/or building, for review by the Planning Board at the preliminary Site Plan Review.
- F. A community impact study, when required, shall provide information pertinent to the following:
1. Planning/zoning issues, including conformance with master plan, urban design plan, this chapter, and other applicable city codes and policies.
 2. Land development issues, including topographic and soil conditions and site safety concerns.
 3. Private utilities consumption, including electrical needs and natural gas utilization.
 4. Noise level conditions.

5. Air quality conditions.
 6. Environmental design and historic values including visual quality and historic resources.
 7. Community facilities and services, including refuse collection, sanitary and storm sewer, and water supply.
 8. Public safety needs, including police, fire and emergency medical services.
 9. Open space landscaping and recreation, including cultural elements.
 10. Transportation issues, including pedestrian access and circulation, auto and delivery vehicle traffic, and parking concerns.
 11. Natural features preservation, enhancement, and/or replacement.
 12. Other information as reasonably may be required by the city to assure an adequate analysis of all existing and proposed site features and conditions.
- G. The preparer(s) of a CIS must meet the following minimum professional qualifications:
1. Be registered in the state in their respective professions, when licensing is a state requirement for the practice of the profession (e.g. professional engineer, registered land surveyor, registered architect, etc.); or
 2. In those instances where the state does not require licensing for the practice of a profession (e.g., planner, urban designer, economist, etc.), the preparer shall, in the opinion of the city, possess acceptable credentials (e.g., appropriate college degree(s), membership in professional societies, etc.) to render an expert opinion in the matter and provide documentation which adequately illustrates professional experience gained while preparing CIS related materials on similar projects for other municipalities.

7.28 Site Plan Review: Approval

Site Plan approval shall be valid for a period of one year from the date it is granted. Upon request, the appropriate reviewing body may grant an extension of not in excess of one year to the applicant prior to the expiration date. Any application for extension of Site Plan approval must be filed on or before the expiration of the original Site Plan approval. An extension may be granted upon compliance with all applicable zoning requirements that are in effect at the time of filing of the application for the extension. All plans must show any revisions that are a result of Zoning Ordinance amendments at the time of filing. The Building Official shall not issue a permit for such work unless a valid final Site Plan and design plan are in effect.

7.29 Site Plan Review: Hearing on Review

- A. Any applicant for Site Plan or Design Review approval or adjacent property owner aggrieved by a decision of the Planning Board, Design Review Board or Historic District Commission (non-historic reviews only) shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner and subject to the same conditions as set forth for appeals in the Zoning Ordinance.

(Ord. No. 2355, 09/20/2021)

Effective on: 10/31/2021

7.30 Site Plan Review: Application Fee

An application fee as established by the City Commission shall be payable upon submitting an application for Site Plan Review pursuant to this division.

7.31 Site Plan Review: Appeal

Any applicant for Site Plan approval or adjacent property owner aggrieved by a decision of the Planning Board or the Design Review Board shall have the right to appeal the decision to the Board of Zoning Appeals in the same manner and subject to the same conditions as set forth for appeals in the Zoning Ordinance.

7.32 Site Plan Review: Planning Department Approval

- A. Planning Department approval of changes to the exterior of a building, structure and/or site is authorized in those instances where the proposed work is minor in nature will have a minimal impact on the visual appearance of the building, structure, and/or site and provided the materials used are of equal or higher quality than those previously approved. Examples of changes requiring only departmental approval include painting, installation and/or removal of doors and/or windows, lighting, signs, landscaping, roofing material, dumpster enclosures, fences and screen walls,

mechanical equipment and screening, changes in the public right-of-way, and maintenance or repair of buildings or structures.

- B. All approved changes must be clearly illustrated on a corrected copy of the final Site Plan which received final approval by the Planning Board. The corrected copy of the Site Plan must also be signed and dated by the City Planner granting approval. A written record of such administrative approval shall also be maintained on such forms as may be devised by the Planning Department for such purposes which shall describe the nature of such approval, the date such approval was granted, and the responsible party granting such approval. A copy of this written record shall be attached to the approved final Site Plan and also provided to the Planning Board at their next regularly scheduled meeting.
- C. A written chronological record of all administrative approvals shall be maintained for each calendar year by the Planning Department and shall include the following:
1. Indicate the final Site Plan being amended;
 2. Describe with specificity the changes being approved;
 3. Indicate the date the approval was granted; and
 4. Indicate the City Planner granting the approval.
- D. It shall be the responsibility of the owner to identify changes which received administrative Site Plan approval at the time construction drawings are submitted to the City Building Department.

7.33 Special Land Uses: Purpose

The City Commission shall hear and deny, approve or approve with conditions all requests for permission to carry on special land uses where such uses are permitted in this Zoning Ordinance.

7.34 Special Land Uses: Review

Site Plan and Design Review for special land uses shall be considered and acted upon by the City Commission. Prior to its consideration of a special land use application for an initial permit or an amendment to a permit, the City Commission shall refer the Site Plan and the design to the Planning Board for its review and recommendation. Each Site Plan submitted in accordance with the requirements of the [Chapter 126 - Zoning](#) shall be on such forms and contain such information as the Planning Board shall determine necessary, including but not limited to a site plan, [photometric plan](#), landscape plan, elevation drawings, interior floor plans, current aerial photos of the subject site and surrounding properties, specification sheets for all lighting and exterior mechanical equipment, and samples of all exterior [building materials](#). All site plans submitted for review and approval must show the subject site in its entirety, must include all property lines, buildings and [structures](#), and must show the same details for all adjacent properties within 200 feet of the subject site's property lines. After receiving the recommendation of the Planning Board, the City Commission shall review the Site Plan and design of the [buildings](#) and uses proposed for the site described in the application of amendment. The City Commission's approval of any special land use application or amendment pursuant to this section shall constitute approval of the Site Plan and Design.

(Ord. No. [2267](#), 04/23/2018)

Effective on: 5/6/2018

7.35 Special Land Uses: Application

- A. An application for a special land use permit which describes the nature of the use, gives the legal description of the property where the use will be located, and any other information which the City Commission deems necessary shall be filed with the City Clerk's [office](#). An application fee as established by the City Commission shall be paid upon submitting an application for a special land use permit. Upon receipt of an application for a special land use:
1. A notice shall be prepared which:
 - a. Describes the nature of the special land use request;
 - b. Indicates the property which is the subject of the special land use request;
 - c. States when and where the special land use request will be considered;
 - d. Indicates when and where written comments will be received concerning the request; and
 - e. Indicates that a public hearing on the special land use request will be held and gives the time and place for the holding of such hearing.
 2. Not less than five days nor more than 15 days before the application is to be considered, the notice shall be published in a newspaper of general circulation in the city.

3. Not less than five days and not more than 15 days before the application will be considered:
 - a. The notice shall be sent by mail or personal delivery to the owners of the property for which approval is being considered.
 - b. The notice shall be sent by mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all buildings within 300 feet.
 - c. A notice sign shall be posted in a conspicuous place on the subject property. Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to re- move the notice sign the day after the public hearing the notice sign was advertising
4. Notification need not be given to more than one occupant of a building; except that if a building contains more than one but less than four dwelling units or spatial areas owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice.
5. In the case of a single building containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the building, who shall be requested to post the notice at the primary entrance to the structure.
6. Upon presentation of a protest petition meeting the requirements of this subsection (G), an application for approval of a special land use permit which is the object of the petition shall be passed only by a five-seventh vote of the City Commission. A protest petition must be filed before final action on the application and must be signed by the owners of at least 20% of the land included within an area extending outward 300 feet from any point on the boundary of the property in question.

7.36 Special Land Uses: Requirements

- A. The City Commission shall not approve of any requests for a special land use permit unless it determines that the following standards are met:
 1. The use is consistent with and will promote the intent and purpose of this Zoning Ordinance.
 2. The use will be compatible with adjacent uses of land, the natural environment, and the capabilities of public services and facilities affected by the land use.
 3. The use is consistent with the public health, safety and welfare of the city.
 4. The use is in compliance with all other requirements of this Zoning Ordinance.
 5. The use will not be injurious to the surrounding neighborhood.
 6. The use is in compliance with state and federal statutes.
- B. Where the special use requested is that of a private school and the site proposed for such use was formerly utilized by the City of Birmingham School District as a public school site, the City Commission shall assume that the foregoing standards have been met upon a determination that the proposed use, when compared with the prior public school, will not unreasonably:
 1. Increase the vehicular traffic in the general neighborhood.
 2. Increase the need for loading or unloading space for students.
 3. Increase the need for off-street or on-street parking.
 4. Increase the hours of operation.
 5. Increase the noise, smoke or noxious fumes emanating from the school site.

The City Commission may, pursuant to subsection (C) of this section, impose such conditions as it deems necessary in order to assure that the requirements listed above will be met.

7.37 Special Land Uses: Approval

- A. The City Commission may impose any or all of the following conditions of approval:
 1. Conditions to ensure that public services and facilities affected by the proposed land use will be capable of accommodating increased service and facility loads caused by the land use.
 2. Conditions to protect the natural environment and conserve natural resources and energy.
 3. Conditions to ensure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner.
 4. Any other condition which the City Commission deems necessary to meet the standards established in subsection (A) of this section.

B. Conditions imposed by the City Commission shall do the following:

1. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use under consideration, residents and landowners immediately adjacent to the proposed land use, and the community as a whole.
2. Be necessary to meet the intent and purposes of this Zoning Ordinance, be related to the standards established in subsection (A) of this section, and be necessary to ensure compliance with those standards.

C. The decision on a special land use request shall be incorporated in a statement of conclusion relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed. The conditions imposed with respect to the approval of a land use shall be recorded in the City Commission minutes and shall remain unchanged except upon the mutual consent of the City Commission and the landowner. The City Commission shall maintain a record of changes granted in conditions.

D. Once a permit for a special land use has been granted as to any parcel of land, no change in that use may be made nor may any addition to or change in the building or improvements on the parcel of land take place until a new request for approval has been filed with the City Commission and the City Commission has approved the request for change. Administrative approval for minor building exterior changes or site improvements may be permitted by the City Planner as provided in Section 7.25 and Section 7.14. In instances where a change in the special land use permit would also require Site Plan Review under Section 7.14, such Site Plan Review shall be accomplished in accordance with the provisions Section 7.34.

7.38 Temporary Use Permit: Purpose

This section allows short-term and minor deviations from the requirements of the Zoning Ordinance for uses which are truly temporary in nature, will not adversely impact the surrounding area and land uses, and which can be terminated and removed immediately. Temporary uses have no inherent rights within the zone in which they locate. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site.

7.39 Temporary Use Permit: Application

All permitted temporary uses must receive a temporary use permit from the Planning Department unless otherwise stated. An application fee as established by the City Commission shall be payable upon submitting an application for a temporary use permit pursuant to this section.

7.40 Temporary Use Permit: Approval

A. Use limitations for temporary use permits. Every temporary use shall comply with the limitations made applicable to specified temporary uses above. No temporary use permit shall be issued in any district if it would have a significant negative impact, including aesthetic impact, on any adjacent property. Such negative impacts may include the following:

1. Public right-of-way. Any use in the public right-of-way must maintain an unobstructed sidewalk width of at least 60 inches. Upon review by the Building Official and the Fire Marshal, the sidewalk width may be reduced to a minimum of 36 inches, provided that 60 inch wide passing intervals, 60 inches in length are accommodated every 200 feet.
2. Public safety. No temporary use permit shall be issued unless the fire and police departments shall have first certified that such use will result in no additional, undue on-site or off-site threat to public safety. No temporary use shall be operated except in accordance with such restrictions and conditions as said departments may require in connection with a temporary use permit.
3. Traffic. No temporary use permit shall be issued if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on surrounding streets and uses. Undue detrimental effects may include the following:
 - a. Activity from the temporary use that unreasonably restricts vehicular and /or pedestrian traffic in the area.
 - b. Activity from the temporary use that generates considerably more noise and vibration than would be expected in the area.
4. Conflicts with other temporary uses. No temporary use permit shall be issued if such use would conflict with another previously authorized temporary use permit.
5. Sign limitations. Except as otherwise expressly authorized by subsection 86-28(5) or subsection 86-29(12) of the Birmingham City Code, signs shall be located only on the same property as the temporary use and meet the following other requirements:

- a. Only one such sign is permitted per street frontage.
- b. Such signs shall not exceed a total area 6 square feet in a residential district and 20 square feet in all other districts.
- c. Such signs shall be of sturdy construction, and not be detrimental to the character of the area.
- d. Such signs shall not be erected sooner than 24 hours before the commencement of the temporary use and shall be removed within 24 hours following the termination of the temporary use.

7.41 Wall Art Review: Purpose

The purpose of this section is to enable creative artistic designs on the exterior of buildings, to activate space and create an inviting experience through the use of art, to allow for public input regarding wall art design, and to ensure the location, size and design of wall art is aesthetically appropriate and compatible with the area of the proposed location.

(Ord. No. [2357](#), 12/13/2021)

Effective on: 1/2/2022

7.42 Wall Art Review: Application Requirements

A. An application for wall art shall include the following;

- a. An application form from the Planning Department, indicating property owner's name, mailing address, location of the property, name of the artist, artist contact information, and such other information as deemed necessary by the appropriate reviewing body.
- b. Two hard copies and one digital copy of the proposed design which includes, but is not limited to, a drawing, rendering or photo of the proposed artwork to be placed on the building, as well as the proposed dimensions of the art work.
- c. A photo of existing conditions of the wall where the artwork is proposed, along with the dimensions of the wall or walls.
- d. A timeframe for the art work to be exhibited and whether it is intended to be temporary or permanent.
- e. Specifications of materials that will be used for the art work.
- f. A resume of the artist(s) including names, location, and photos of previous work.

(Ord. No. [2357](#), 12/13/2021)

Effective on: 1/2/2022

7.43 Wall Art Review: Review

All applications for wall art begin with review and recommendation by the Public Arts Board. The application will then be reviewed by the Design Review Board for final consideration. Final approval of wall art is subject to the review requirements for the Design Review Board as stated in Section [7.09](#) *Design Review: Review*.

(Ord. No. [2357](#), 12/13/2021)

Effective on: 1/2/2022

7.44 Wall Art Review: Application Fee

An application fee as established by the City Commission and set forth in [Appendix A](#) of the City Code shall be payable upon submitting an application for Wall Art Review pursuant to this division.

(Ord. No. [2357](#), 12/13/2021)

Effective on: 1/2/2022

7.45 Zoning Ordinance Compliance Permit: Purpose

It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot until the Building Official has issued for such intended use a Zoning Ordinance Compliance Permit or Certificate of Occupancy and use as provided for in Chapter 22 of the Birmingham City Code.

(Ord. No. [2357](#), 12/13/2021)

Effective on: 1/2/2022

7.46 Zoning Ordinance Compliance Permit: Application

- A. In all cases where a certificate of occupancy and use is not required, application for a Zoning Ordinance Compliance Permit shall be made, except for signs which are regulated by Chapter 86 of the Birmingham City Code. This application shall be made in writing to the Building Official on forms provided for that purpose. A record of all such applications shall be kept on file by the Building Official.
- B. The Building Official shall require every application for a Zoning Ordinance Compliance Permit shall be accompanied by a written statement and plans or plats showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed work or use is in conformance with the Zoning Ordinance:
1. The actual shape, location and dimensions of the lot.
 2. The existing and intended use of the lot and of all buildings or structures upon the lot.
 3. Such other information which may be essential for determining whether the provisions of the Zoning Ordinance are being observed.
- C. The Building Official may accept a preliminary application and a lesser number of submitted documents than those listed above in situations where a basic clarification is desired ahead of proceeding with further technical work. If such preliminary application is denied in writing by the Building Official, the applicant may appeal such action to the Board of Zoning Appeals. However, the Building Official shall not refuse to issue a permit when the conditions imposed are complied to by the applicant despite violations of contracts, such as covenants or private agreements, which may be obtained upon the granting of such permit.

(Ord. No. 2357, 12/13/2021)

Effective on: 1/2/2022

ARTICLE 8: ENFORCEMENT AND PENALTIES

Contents:

8.01 The Board of Zoning Appeals

8.02 Floodplain Management Administrative Duties.

8.03 Enforcement, Penalties and Other Remedies.

8.01 The Board of Zoning Appeals

- A. Establish: There shall be established and appointed by the City Commission, in accordance with Section 5, Act No. 207 of the Public Acts of Michigan of 1921 (MCL 125.585, MSA 5.2935), as amended, a Board of Zoning Appeals consisting of seven members each to be appointed for a term of three years.
- B. Alternate Members: The City Commission may also appoint not more than two alternate members for the same term as regular members of the Board of Zoning Appeals. The alternate member may be called on a rotating basis to sit as a regular member of the Board of Zoning Appeals in the absence of a regular member. An alternate member may also be called to service in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.
- C. Procedure: Meetings of the Board of Zoning Appeals shall be held at the call of the chairperson, and at such other times as the Board of Zoning Appeals may determine. Such chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and the action thereon, which shall be a public record.
- D. Appeals: An appeal to the Board of Zoning Appeals, based in whole or in part on the provisions of the Zoning Ordinance, may be taken by any person aggrieved, or by any governmental officer, department, Board of Zoning Appeals or bureau affected by the decision of the Building Official. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, on forms provided by the Building Official, specifying the ground thereof, and by paying the required fee. The Building Official shall transmit to the Board of Zoning Appeals all papers constituting the records upon which the appeal action was taken.
- E. Hearing and Notice: The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal and shall give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet, the notice to be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. A notice sign shall also be posted in a conspicuous place on the subject property.

Notice signs will be provided by the City of Birmingham. It is the responsibility of the applicant to post the notice sign as required, to ensure that the notice sign remains posted during the entire notice period and to remove the notice sign the day after the public hearing the notice sign was advertising. At the hearing, any person or party may appear in person, by agent or by attorney. All such hearings shall be open to the public.

F. **Powers and Duties:** The Board of Zoning Appeals shall have the powers and duties set forth in MCL 125.581 et seq., MSA 5.2931 et seq. and as more particularly hereinafter enumerated. The Board of Zoning Appeals shall not have the power to change the zoning district of any property. The Board of Zoning Appeal's power and duties shall include the following:

1. Review of administrative decisions.

- a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with the enforcement of the Zoning Ordinance.
- b. It may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the situation, and to that end shall have all the powers of the officer from whom the appeal is taken.

2. Mapping disputes.

- a. Where disputes arise as to the location of the floodplain boundary or the limits of the floodway, the Board of Zoning Appeals shall resolve the dispute and establish the boundary location in accordance with Section 1.15. In all cases, the decision of the Board of Zoning Appeals shall be based upon the most current floodplain studies issued by the Office of Federal Insurance and Hazard Mitigation. Where the Office of Federal Insurance and Hazard Mitigation information is not available, the best available floodplain information shall be utilized.
- b. Where a dispute involves an allegation that the boundary is incorrect as mapped and Office of Federal Insurance and Hazard Mitigation floodplain studies are being questioned, the Board of Zoning Appeals shall modify the boundary of the floodplain or the floodway only upon receipt of an official letter of map amendment issued by the Office of Federal Insurance and Hazard Mitigation.

3. Variances.

- a. The Board of Zoning Appeals shall hear and grant or deny requests for variances from the strict application of the provisions of the Zoning Ordinance where there are practical difficulties or unnecessary hardships in carrying out the strict letter of such chapter. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance. The Board of Zoning Appeals shall not grant any variance unless it first determines that:
 - i. Because of special conditions applicable to the property in question, the provisions of the Zoning Ordinance, if strictly applied, unreasonably prevent the property owner from using the property for a permitted purpose;
 - ii. Literal enforcement of the chapter will result in unnecessary hardship;
 - iii. The granting of the variance will not be contrary to the spirit and purpose of the Zoning Ordinance nor contrary to the public health, safety and welfare; and
 - iv. The granting of the variance will result in substantial justice to the property owner, the owners of property in the area and the general public.
- b. Variances from the provisions of Section 4.13, Floodplain Regulations, shall only be granted by the Board of Zoning Appeals upon a determination of compliance with the general standards for variances contained in the Zoning Ordinance and in accordance with the following:
 - i. The variance granted will not result in flood heights in excess of those permitted by the Zoning Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
 - ii. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.
 - iii. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without meeting the requirements of this section.
- c. Sign Variance Procedure. Any person who feels aggrieved by a decision of the City Planner or Design Review Board may have the sign reviewed by the Board of Zoning Appeals. A variance may be granted by the Board of Zoning Appeals only in cases involving practical difficulties when the evidence in the official record of the appeal supports all the following affirmative findings:

- i. That the alleged practical difficulties are peculiar to the property of the person requesting the variance by reasons of the physical and/or dimensional constraints of the building and/or site, and result from conditions which do not exist generally throughout the City;
- ii. That the granting of the requested variance would not be materially detrimental to the property owners in the immediate vicinity;
- iii. That the granting of the variance would not be contrary to the general objectives of this Chapter and is in keeping with the spirit and intent of this ordinance; and
- iv. That granting the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board of Zoning Appeals to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.
- v. In granting a variance, the Board of Zoning Appeals may attach such conditions as it may deem reasonably necessary to promote the spirit and intent of the Zoning Ordinance and the conditions specified in the sign ordinance, Chapter 86, Article 02, Section 2.06.

G. Miscellaneous:

1. No order of the Board of Zoning Appeals permitting the erection or alteration of buildings shall be valid for a period longer than one year, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is commenced and proceeds to completion in accordance with the terms of such permit.
2. No order of the Board of Zoning Appeals permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that if the use of such permit is dependent upon the erection or alteration of a building, such order shall continue in full force and effect if a building permit for such use, erection or alteration is obtained within such period and such erections or alterations are commenced and proceed to completion in accordance with the terms of such permit.

8.02 Floodplain Management Administrative Duties.

- A. Agency Designated: Pursuant to the provisions of the State Construction Code in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, the Building Official of the City of Birmingham is hereby designated as the enforcing agency to discharge the responsibility of the City of Birmingham under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Birmingham assumes responsibility for the administration and enforcement of said Act through out its corporate limits.
- B. Code Appendix Enforcement: Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the City of Birmingham.
- C. Designation of Regulated Floodplain Hazard Areas: The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Oakland County Flood Insurance Study and dated September 29, 2006 and the Flood Insurance Rate Map(s) (FIRMS) panel numbers of 26125C0517F, 0529F, 0536F, 0537F, 0538F and 0541F and dated September 29, 2006 are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.
- D. Floodplain Management Administrative Duties: With regard to the National Flood Insurance Program and the regulation of development within the floodplain as prescribed in Section 4.13, the duties of the Building Official shall include, but are not limited to:
 1. Notifying adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notification to the Office of Federal Insurance and Hazard Mitigation.
 2. Recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the floodplain, and in the case of floodproofed structures, the elevation to which the structure was floodproofed.
 3. Recording of all certificates of floodproofing, and written notification to all applicants to whom variances are granted in a floodplain indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk.
- E. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the Office of the City Engineer and shall be open for public inspection.

8.03 Enforcement, Penalties and Other Remedies.

- A. Any building or structure which is erected, altered or converted, or any use of premises which is begun or changed subsequent to the time of passage of the ordinance from which the Zoning Ordinance is derived and in violation of any of the provisions thereof is hereby declared to be a public nuisance.
- B. The owner of any building, structure or premises or part thereof, where any condition in violation of the Zoning Ordinance shall exist or shall be created, and any person who has assisted knowingly in the City Commission of such violation shall each be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment provided for the violation of the Zoning Ordinance.
- C. Each day that a violation is permitted to exist shall constitute a separate offense.
- D. The rights and remedies provided for the violation of the Zoning Ordinance are cumulative and in addition to any other remedies provided by law.

ARTICLE 9: DEFINITIONS

Contents:

9.01 General

9.02 Definitions

9.01 General

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Zoning Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words used in the masculine gender shall include the feminine.

9.02 Definitions

Abutting: Sharing a boundary or property line.

(Ord. No. [2343](#), 01/13/2020)

Effective on: 2/2/2020

Active Via: An alley with a mix of uses and activities used by pedestrians/bicyclists for travel, some commercial activities, pausing for respite, outdoor dining etc. with shared use by service vehicles (deliveries, trash removal etc.).

Addition: The increase of floor area or other unit of measurement, whether by enlargement of any story, or erection of additional stories thereon, or the providing of additional seating capacity for public assembly (see [Seating capacity](#)).

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade books, magazines, videotapes, video discs and other materials which are distinguished or characterized by their emphasis on matters depicting, describing or relating to sexual activities or human genitals and pubic regions, or an establishment with a segment or section devoted to the sale, display, or offering of such material to the public whether or not through sale or lease.

Adult Foster Care Group Home: A home or facility licensed by the State Department of Social Services for up to 10 unrelated adults.

Adult Motion Picture Theater: An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or human genitals and pubic regions for observation by patrons therein.

Alley: An urban way that affords a secondary means of vehicular access to abutting property.

Anemometer or Wind Monitoring Tower: A temporary tower equipped with devices to measure wind speeds and direction, used to determine how much wind power a site can be expected to generate.

Area of Special Flood Hazard: The channel of the River Rouge or Quarton Lake and adjacent land areas subject to a 1% or greater chance of flooding in any given year.

Architectural Enhancement Lighting: Lighting that is designed to accent, emphasize, feature, or highlight specific architectural elements on a single building or site.

Artisan Use: Any premises used principally for the repair, manufacture, and sale of domestic furniture, arts, and crafts. The work must take place entirely within an enclosed building using only hand-held and/or table-mounted manual and

electric tools.

Assisted Living: An interim or permanent residential facility which furnishes food, shelter, laundry, and other assistance in activities of daily living to five or more persons, who are not related by blood, marriage, or adoption to the owner or proprietor of the establishment. Food is prepared in a central kitchen. This use does not include:

1. Facilities that negotiate sleeping arrangements on a daily basis;
2. Dwelling units occupied by families (note: dwelling units occupied exclusively by families are considered to be single-family, two-family, or multiple-family uses as the case may be);
3. Halfway houses for criminal rehabilitation;
4. Overnight general purpose shelters; and
5. Criminal rehabilitation facilities.

Attached Single-Family Residence: A building that has not more than 8 one-family dwelling units erected side-by-side as a single building, each being separated from the adjoining units by walls extending from the basement floor to the roof, which meet or exceed the sound transmission class (STC) rating of 45 for residential buildings as established by the most current addition of the International Code Council's (ICC) Building Code as promulgated and published by the Building Officials and Code Administrators International, Inc. No two single-family dwelling units may be served by the same stairway or by the same exterior door of the dwelling.

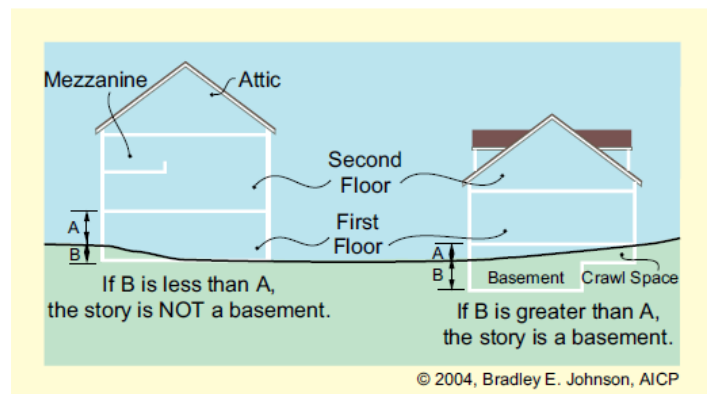
Attic: The unfinished space between the ceiling assembly and the roof assembly.

Automobile Repair: Engine and transmission rebuilding, general repairs, or reconditioning; collision service such as body, frame or fender straightening or repair; steam cleaning, undercoating and rust-proofing; and similar servicing, rebuilding or repairs that normally require significant disassembly or storing of the automobiles on the premises overnight.

Banquet Facility: Building space designated for a special event such as, but not limited to, a formal or ceremonial dinner or for the gathering of people, especially to discuss or decide on matters of common interest. Banquet facilities are reserved by a private individual or organization and are not open for admission of the general public.

Base Flood: The flood having a 1% chance of being equaled or exceeded in any given year; also called a 100-year frequency flood.

Basement: That portion of a building which is partly or wholly below finished grade, but so located that the vertical distance from the finished grade to the basement floor ("B" in illustration below) is greater than the vertical distance from the finished grade to the uppermost surface of the finished first floor ("A" in illustration below). A basement is not to be counted as a story for purposes of determining the height of a building.



Basement Window Well: An emergency escape and rescue route including a window and/or door opening with a finished sill height provided below the adjacent ground level.

Bathing Establishment: Any establishment which, in exchange for a fee, provides, as its principal function, bathing facilities, sauna baths, steam rooms or Turkish baths.

Bistro: A restaurant with a full service kitchen with interior seating for no more than 65 people and additional seating for outdoor dining of no more than 65 people.

(Ord. No. [2301](#), 12/03/2018)

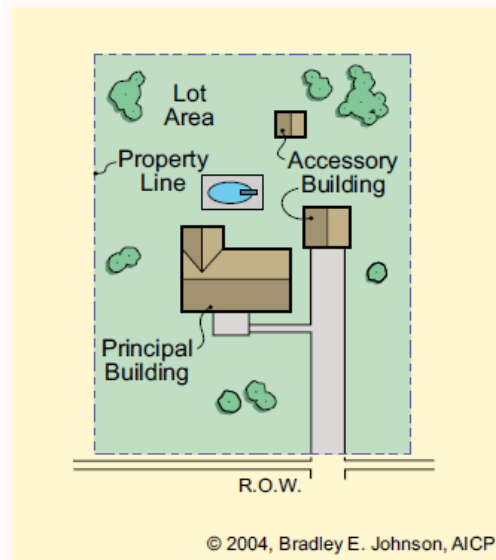
Effective on: 12/16/2018

Boutique: A shop that provides a limited range of specialized goods or services to consumers; usually in small quantities and not for resale such as clothing, jewelry, electronics, books or similar products, excluding any regulated use or food services.

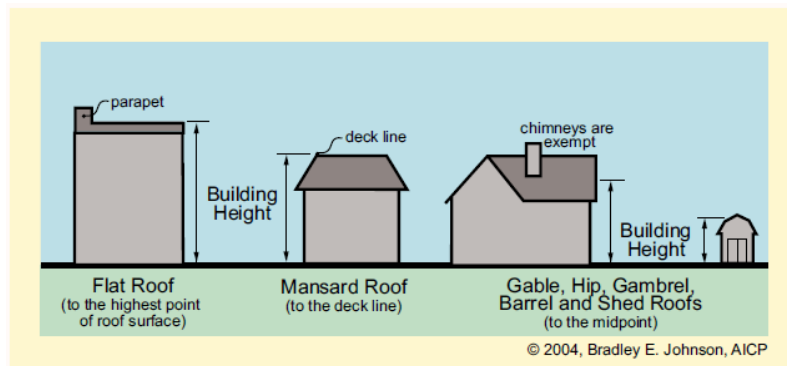
Broadcast Media Device: An electronic display unit with a screen no larger than 1.5 square feet in size (such as a TV), that broadcasts audio and video designed for viewing by individual customers while purchasing goods or services.

Building: Any structure having a roof, including but not limited to tents, awning, carports, and such devices as house trailers, which have a primary function other than being a means of conveyance.

Building, Accessory: A subordinate detached building, the use of which is customarily incidental to the permitted principal use of the principal building on the same lot. In case a question arises as to the degree of being incidental or length of custom, the Board of Zoning Appeals shall rule.



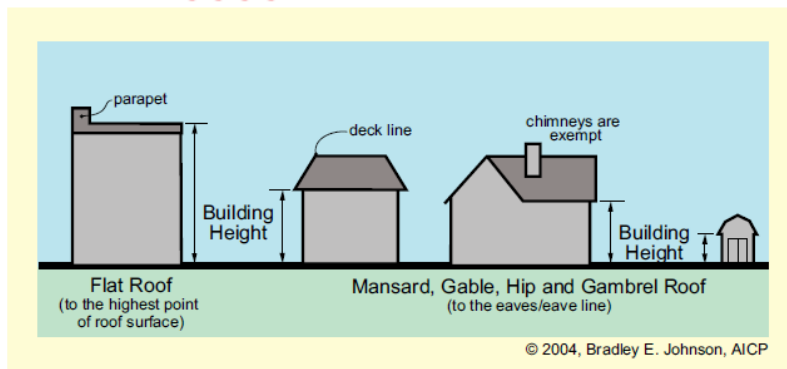
Building Height: The vertical distance measured from existing grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the midpoint for gable, hip, gambrel, barrel and shed roofs. In a building having a flat roof, the parapet, if provided, may exceed the maximum building height by up to 42 inches.



(Ord. No. [2339](#), 08/05/2019)

Effective on: 9/15/2019

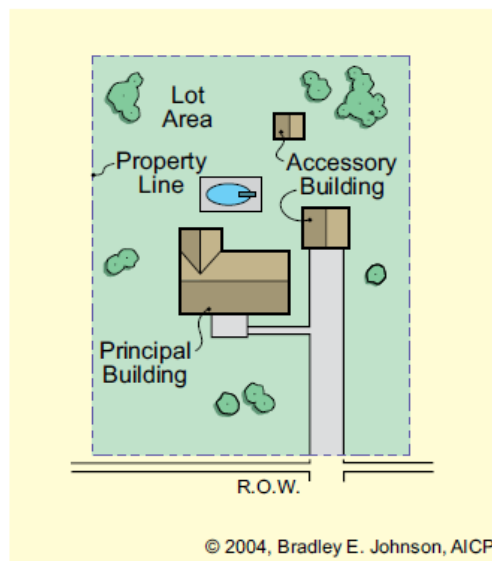
Building Height, Downtown Overlay: The vertical distance from the average grade at the sidewalk at the frontage line to the highest point of the roof surface in a flat roof and to the eaves/eave line for a gable, hip, gambrel or mansard roof. Height limits do not apply to belfries, steeples or flagpoles.



(Ord. No. [2339](#), 08/05/2019)

Effective on: 9/15/2019

Building, Principal: A building or, where the context so indicates, a group of buildings, in which is conducted the main or principal use of the lot on which the building is situated.



Caliper: Refers to the diameter of the tree. For trees that are less than 4 inches in diameter, the caliper measurement is taken at 6 inches above ground level, or if purchasing directly from a nursery, at 6 inches from the top of the root ball. For trees that are 4 to 12 inches in diameter, the measurement is taken at 12 inches above ground level, or the top of the root ball. For trees that are greater than 12 inches in diameter, the measurement is taken at breast height.

Canopy Tree: A deciduous tree which has a mature crown spread of greater than 15 feet and a mature height of 40 or more feet in southern Michigan and which has a trunk with at least 5 feet of clear stem at maturity.

Child Care Center: A facility, other than a private residence, where child care is provided for periods of fewer than 24 hours a day, for more than 2 consecutive weeks per year, for 1 or more children whose parents/guardians are not immediately available. Child care centers include public or private preschools, nursery schools, parent cooperative preschools, full-day child care centers and drop in centers and must be licensed by the state.

Circulation Area: Areas within the perimeter of a site in which pedestrian and/or vehicle movement takes place in order to access parking, buildings or site amenities.

Clear Glazing - Glass and other transparent elements of building facades with a minimum visible light transmittance of 80%.

(Ord. No. [2246](#), 07/24/2017)

Effective on: 8/20/2017

Commercial Use: Premises used generally in connection with the purchase, sale, barter, display, or exchange of goods, wares, merchandise, or personal services.

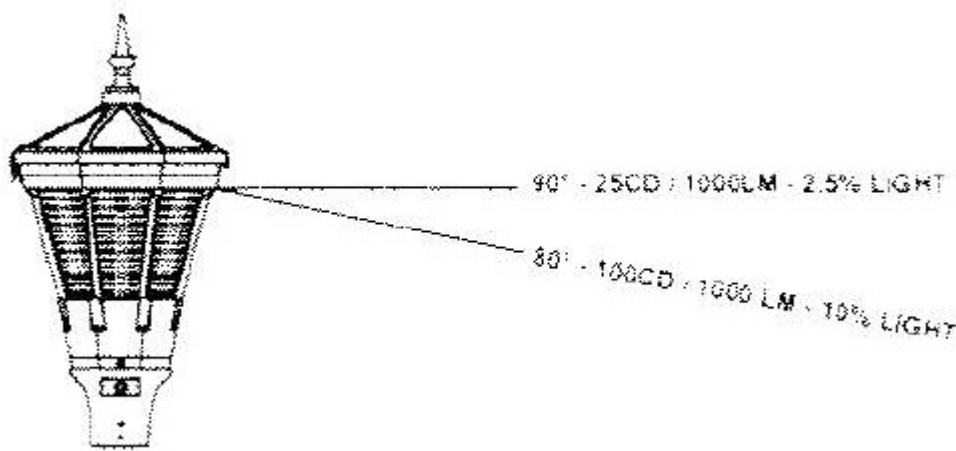
Community Use: Premises used principally for education, worship, cultural performances, and gatherings administered by nonprofit cultural, educational, and religious organizations; premises used principally for local, state, and federal government, administration, provision of public services, education, cultural performances, and gatherings.

Connecting Via: A passage that provides a through-block connection for pedestrians and/or bicyclists only.

Continuing Care Retirement Community: A community that offers several levels of assistance, including independent living, assisted living and nursing home care. It is different from other housing and care facilities for seniors because it usually provides a written agreement or long-term contract between the resident (frequently lasting the term of the resident's lifetime) and the community which offers a continuum of housing, services and health care system, commonly all on one campus or site.

Control Bumper: A continuous concrete curb constructed upon a suitable base.

Cutoff Luminaire: A luminaire light distribution where the candela (intensity) per 1000 lamp lumens does not exceed 25 (2.5%) at an angle of 90 degrees or any angle above. Additionally, the candela per 1000 lamp lumens does not exceed 100 (10%) at a vertical angle of 80 degrees.



Day Care, Family Home: A dwelling in which a permanent occupant of the dwelling provides for the care of fewer than 7 minor children unrelated to the care provider for periods of fewer than 24 hours a day, for more than four weeks in a calendar year unattended by the children's parents or legal guardians, and must be licensed and/or registered by the state.

Day Care, Group Home: A dwelling in which a permanent occupant of the dwelling provides for the care of fewer than 13 minor children unrelated to the care provider for periods of fewer than 24 hours a day, for more than 4 weeks in a calendar year, unattended by the children's parents or legal guardians, and must be licensed and/or registered by the state.

DBH: Diameter at breast height, which is measured 4.5 feet above the ground.

Deciduous Tree: A tree with foliage that is shed annually.

Destination Via: Alleys or passages that people are drawn to as a destination for participating in cultural activities, commercial activities, recreational activities, special events, and other activities.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Disability Glare: The effect of stray light in the eye whereby visibility and visual performance are reduced. A direct glare source that produces discomfort may also produce disabling glare by introducing a measurable amount of stray light in the eye.

Dormer: A subunit of a main structure interrupting a roof slope of the main roof structure with its own walls and roof, and characterized by the roof shape of the dormer including but not limited to: flat, deck, hipped, shed, gabled, inset, arched, segmental, and eyebrow style roofs.

Drainage: The removal of surface water or ground water from land by means that include, but are not limited to, drains, grading and runoff controls.

Drive-in: A commercial establishment developed to serve patrons while in the motor vehicle in addition to within a building or structure.

Drugstore: A commercial establishment that employs a registered pharmacist full time for the purpose of dispensing prescriptions and ethical drugs.

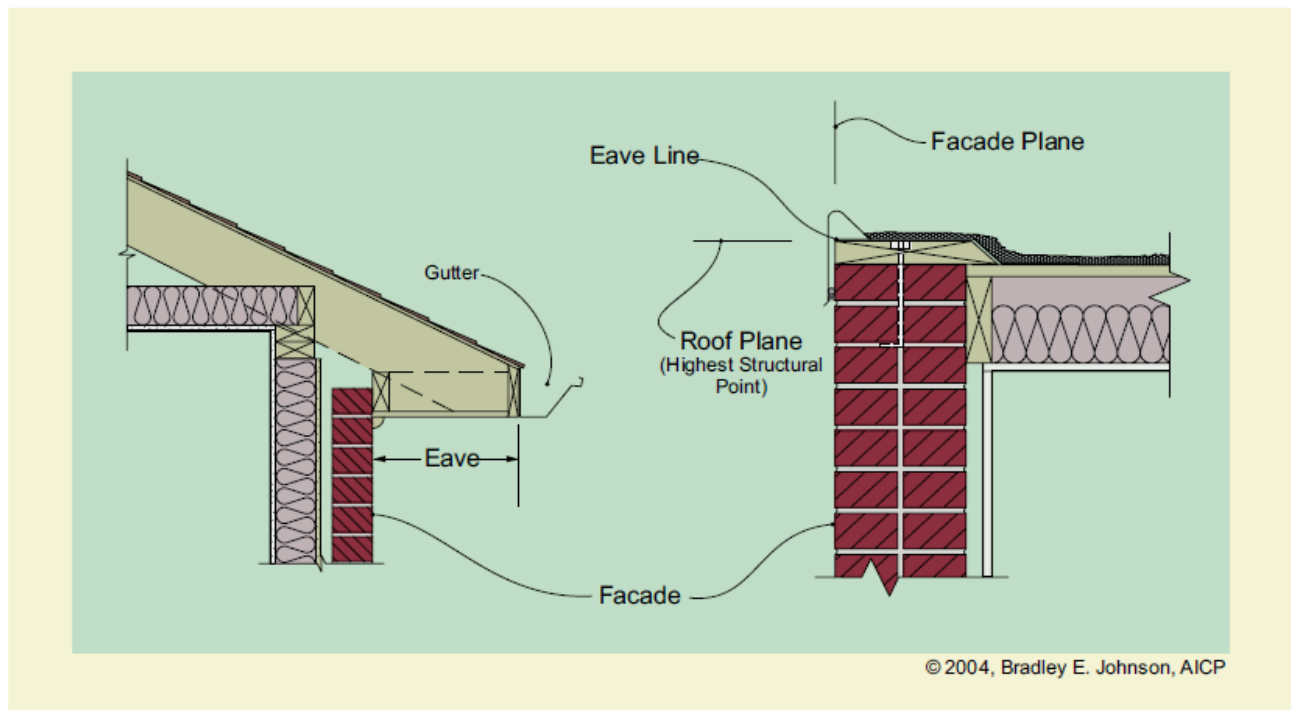
Dwelling, Multiple-family: A building containing 3 or more dwelling units (see Dwelling unit).

Dwelling, Single-family: A detached building containing 1 dwelling unit (see Dwelling unit).

Dwelling, Two-family: A building containing 2 dwelling units (see Dwelling unit).

Dwelling Unit: A building or portion thereof that provides independent living space for a family and has a sanitary connection. Dwelling unit does not include such a living space in an accessory structure used solely by the family living in the principal building on the same lot, except that such living space shall not be used as any person's primary living area (see Family).

Eave or Eave Line: The lower edge of a sloping roof that projects past the face of the wall below; or the point of intersection of the roof and exterior wall on a flat roof building.



Electronic Video Game: Any machine containing no automatic payoff device which may, on the insertion of a coin or slug, operate or be operated or used as a game, contest or amusement, and which consists solely of electronic play appearing on a video screen, and which is so constructed that it may not be converted into an automatic payoff device for the return or discharge of money, tokens, coins, checks or merchandise, or which provides no such payoff by any means whatsoever.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, gas regulator stations, and other similar equipment, and accessories connected therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or City Commission for the public health, safety or general welfare, but not including commercial buildings or activities.

Evergreen Tree: A tree with foliage that persists and remains green year-round.

Facade: The vertical exterior surface of a building that is set parallel to a setback line.

Family: A single individual doing his/her own cooking, and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel (see Dwelling unit).

Filling Station: Buildings or premises used for the retail sale of gasoline or other fuel for the propulsion of motor vehicles and which may include facilities for lubrication, changing and repairing of tires, polishing, greasing, washing or servicing such motor vehicles, but excluding so-called high-speed automotive washing, steam cleaning, body repairing, bumping or painting.

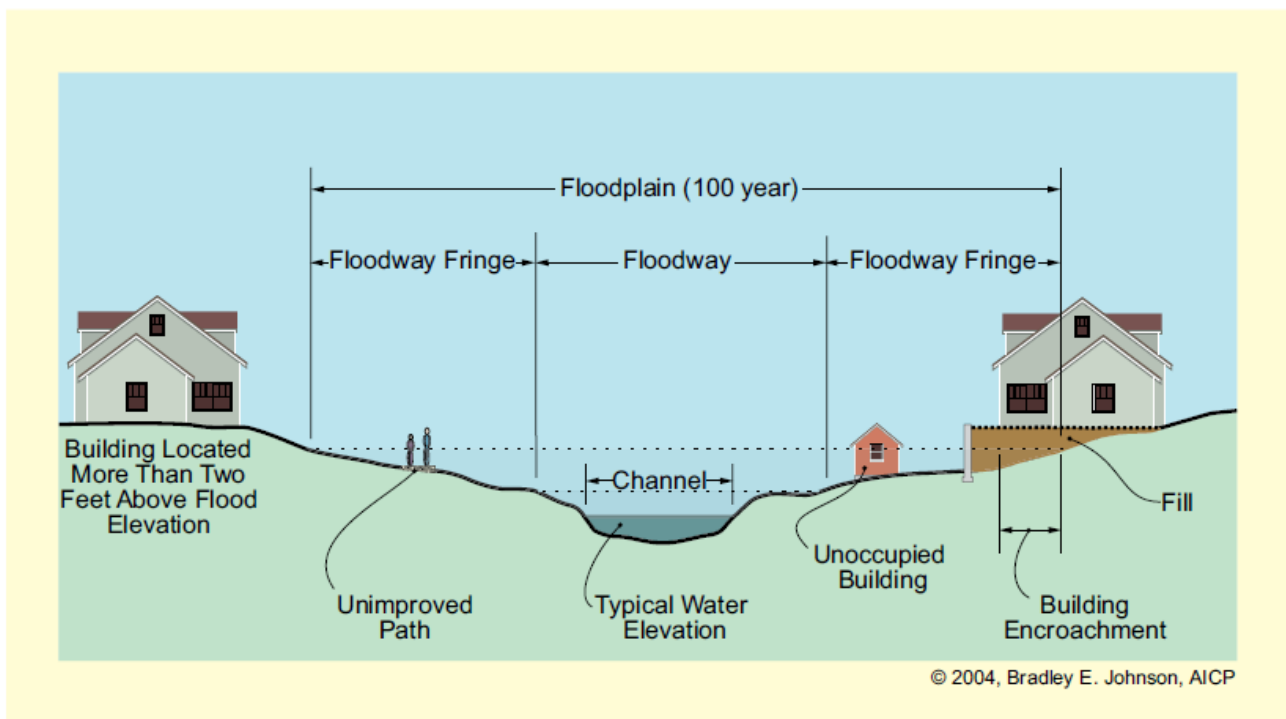
Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Boundary and Floodway Map: An official map of the city on which the Office of Federal Insurance and Hazard Mitigation has delineated both the floodway and the floodway fringe.

Flood Insurance Rate Map (FIRM): An official map of the city on which the Office of Federal Insurance and Hazard Mitigation has delineated both the areas of special flood hazards and risk premium zones applicable to the city.

Flood Insurance Study: The official report provided by the Office of Federal Insurance and Hazard Mitigation. The report contains flood profiles, as well as the flood hazard boundary/floodway map and the water surface elevation of the base flood.

Floodplain: That area, also called flood hazard area, in and adjoining the River Rouge and Quarton Lake within the city which would be covered by floodwaters produced by a 100-year frequency flood.



Floodway: The channel of the River Rouge or Quarton Lake and the adjacent land areas designated in the flood insurance study which must be reserved in order to discharge the base flood.

Floodway Fringe: The area between the floodway and the boundary of the floodplain.

Floor Area, Nonresidential Total: The measurement of total floor area for nonresidential uses which shall be the sum of the area measured to the exterior face or exterior walls of the first story and any other story, mezzanine or basement, which may be made fit for human use; the measurement shall include the floor area of all accessory buildings measured similarly.

Floor Area Ratio (FAR): The combined gross floor area of all floors of all buildings on a lot, divided by lot area.

Floor Area, Residential Accessory Building Total: The measurement of the total floor area for all accessory buildings located on a lot located in a residential district which shall be the sum of the area of the first story measured to the exterior face of the exterior wall or exterior post, plus, measured in the same manner, any areas located above the first story which have a height from the floor to the ceiling of such area in excess of 7 feet, 6 inches and which is connected to the first floor by a fixed stairway.

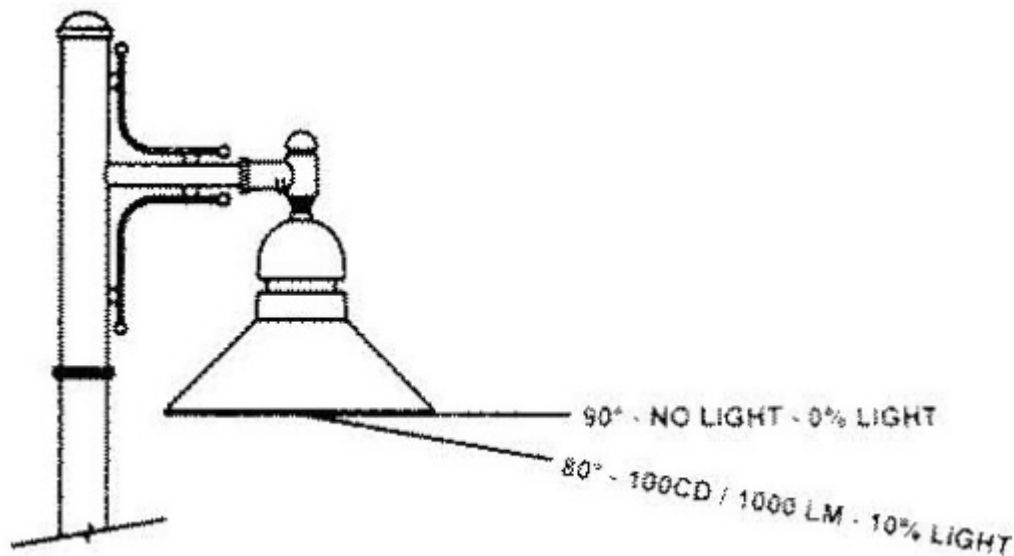
Floor Area, Residential Total: The measurement of total floor area for residential uses which shall be the sum of the area of the first story measured to the exterior face of exterior wall plus, similarly measured, the area having more than 7 feet, 6 inches of headroom of any upper story that is connected by a fixed stairway and which may be made usable for human habitation, but excluding the floor area of basements, garages, accessory buildings, attics, breezeways and unenclosed porches.

Foot-candle: A unit of illuminance amounting to one lumen per square foot.

Frontage Line, Non-Overlay: All lot lines that abut a public street, private street, or permanently preserved or dedicated public open space. A corner lot or a through lot has 2 or more frontage lines.

Frontage Line, Overlay: All lot lines that abut a public street. A corner lot or a through lot has 2 or more front- age lines.

Full Cutoff Luminaire: A luminaire light distribution with zero candela (intensity) at an angle of 90 degrees or above. Additionally, the candela per 1000 lamp lumens does not exceed 100 (10%) at a vertical angle of 80 degrees.



Garage, Attached Private: That portion of a principal residential building to be used for the storage of non-commercial motor vehicles, provided that not more than one commercial vehicle of less than three-quarter-ton capacity may be stored in the private garage and there shall be no services or commodities offered to the public in connection therewith. These garages must be enclosed with doors.

Garage, Community: An accessory building for the storage of noncommercial vehicles and having no services or commodities offered to the public in connection therewith.

Garage, Private: An accessory building to be used for the storage of noncommercial motor vehicles, provided that not more than one commercial vehicle of less than three-quarter-ton capacity may be stored in the private garage and there shall be no services or commodities offered to the public in connection therewith.

Garage, Public: Any garage operated for gain, and which is used for the storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

Gasoline Full-Service Station: A gasoline service station and service facility which may include lubrication, changing and repairing of tires, polishing, greasing, and mechanized washing, or servicing of motor vehicles but excluding steam cleaning, body repairing, vacuuming, bumping or painting. The mechanized washing of such vehicles shall be confined to a single-bay, single-vehicle capacity, exterior-only car wash system equipped with a separate entrance and exit.

Gasoline Service Station: A commercial establishment where gasoline or other fuels are available for purchase and may be dispensed by the customer from pump to motor vehicle. Convenience items may also be sold, provided such sales do not constitute the principal use of the premises.

Glare: The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade: A reference plane representing the average of finished ground levels adjoining the building at all exterior walls. When a finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than 5 feet from the building, between the building and a point 5 feet from the building.

Grade, Existing: The elevation of the ground surface in its existing state, prior to any alterations.

Grade, Finished: The final elevation of the ground surface after any alterations.

Grass: Any family of plants with narrow leaves normally grown as permanent lawns in southern Michigan.

Grocery Store: A commercial establishment for the sale of produce, dairy products, fresh meat and staples.

Ground Cover: Low growing plants (including grass, perennials and annuals) that form a dense, extensive growth and tend to prevent weeds and soil erosion.

Habitable Attic: An attic which has a stairway as a means of access and egress and in which the ceiling area at a height of 7 feet, 4 inches above the attic floor is not more than one-third of the area of the next floor below. A finished or unfinished area complying with all of the following requirements:

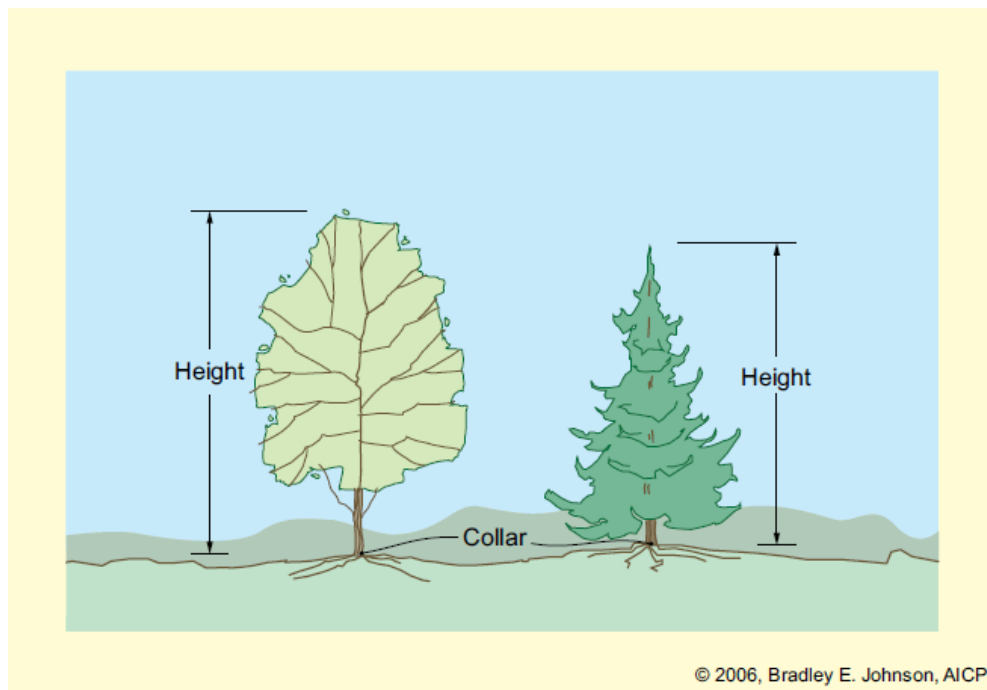
1. The occupiable floor area is not less than the minimum room dimensions required by the current Michigan Residential Code;
2. The occupiable floor area has a minimum ceiling height in accordance with the current Michigan Residential Code; and
3. The occupiable space is enclosed by the roof assembly above, knee walls (if applicable) on the sides and the floor-ceiling assembly below.

Habitable Room: Any room in a dwelling unit other than a kitchen or bathroom, or any room in a non-dwelling unit with a finished ceiling height of no less than 7 feet, 6 inches.

Harmful Increase: An unnaturally high stage on the River Rouge or Quarton Lake which causes, or may cause damage to property, threat to life, personal injury or damage to land or water resources.

Health Club/Studio: A place designated and equipped for the conduct of sports, exercise and physical fitness activities.

Height: Refers to the vertical distance between the collar (the line of junction between the root and its stem/ trunk) and the top of the tree.



Height of Luminaire: The measurement for the height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the highest point on the luminaire.

Historic District: Means an area or group of areas, not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, and/or culture.

Historic Resource: Means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archaeology, engineering, and/or culture of the city, state, or the United States.

Home Occupation: An occupation or commercial activity conducted by a resident that results in a product or service and that is accessory and ancillary to the permitted principal residential use.

Horizontal Illuminance: A term used to measure the quantity of light on a horizontal plane or surface.

Hospice: A model of care that focuses on relieving symptoms and supporting patients with a life expectancy of six months or less. Hospice involves an interdisciplinary approach to provide medical care, pain management and emotional and spiritual support. The emphasis is on comfort, not curing. It can be provided in the patients' home as well as freestanding hospice facilities, hospitals, nursing homes and other long-term care facilities.

Hotel: A building containing apartments, each composed of bedroom, bathroom and closet space but without cooking facilities with the apartment units, with the exception of the units occupied by the management staff, being used only for the accommodation of transients and no cooking being permitted therein (see Motel).

IESNA: Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

Illuminance: The quantity of light measured or calculated at a point or series of points.

Impervious Surface: Any material which prevents the infiltration of surface water, such as concrete, blacktop, asphalt, brick, stone or a similar material, but excluding sidewalks 3 feet or less in width.

Independent Senior Living: A living arrangement in which elderly or senior adults over the age of 55 live in individual dwelling units, and may receive hospitality services as a benefit of lease or purchase of the dwelling unit. Independent senior living does not include the receipt of custodial or medical services to occupants as a benefit of lease or purchase of the dwelling unit.

Indoor Recreational Facility: Facilities such as indoor pools, weight rooms, basketball courts, and dance studios, art studios, and libraries.

Interior Planting Area: Any area containing natural materials and live plantings that extends into, or is within a parking area.

Lamp: The component of the luminaire that produces the actual light including luminous tube lighting.

Landscape Lighting: Lighting which accentuates and enhances ornamental landscape features and plant materials.

Light Nuisance: Detrimental illuminance within the visual field, that is sufficiently greater than the illuminance to which the eyes are adapted that causes annoyance, discomfort, and is otherwise distressful to surrounding property occupants.

Light Trespass: Light that crosses any property line at a level that exceeds those set forth in the Birmingham city ordinance.

Lightly Tinted Glazing - Glass and other transparent elements of building facades with a minimum visible light transmittance of 70%.

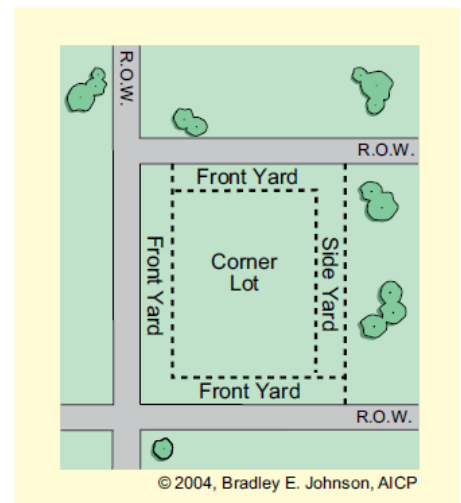
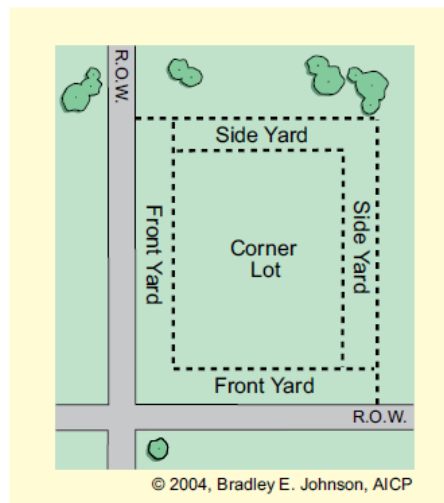
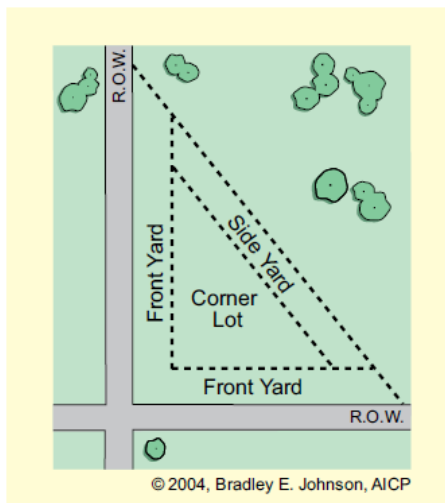
(Ord. No. [2246](#), 07/24/2017)

Effective on: 8/20/2017

Live/Work Unit: A combined live/work space or an integrated living unit and working space with an internal connection between the living unit and working space, occupied and utilized by a single family, in a commercial or mixed use zoning district.

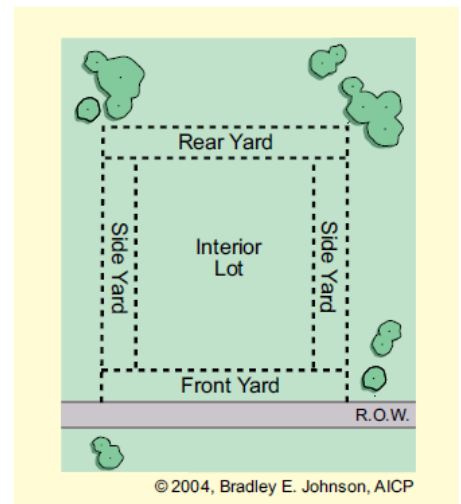
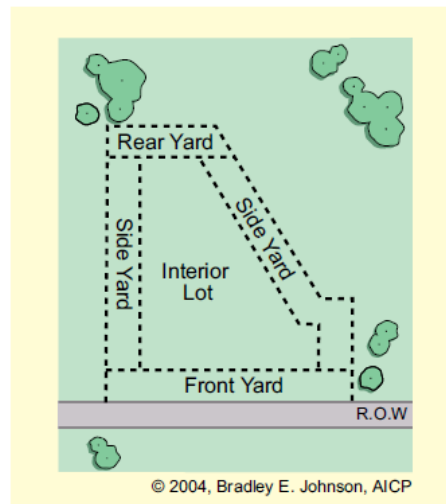
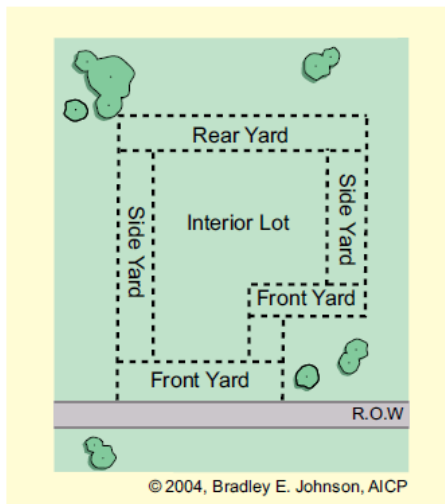
Lot: A lot of record or parcel of land including, in addition to the land required to meet the regulations of this chapter, all of the land area shown in a request for a Certificate of Occupancy and use or Zoning Ordinance Compliance Permit, occupied or intended to be occupied by a principal and accessory building or use (see [Lot of record](#)).

Lot, Corner: A lot where the corner interior angle at the intersection of 2 streets is less than 135 degrees. A lot abutting a curved street or streets shall be considered a corner lot for the purpose of the Zoning Ordinance if tangents to the curve at the 2 points where the lot lines meet the curve form an interior angle of less than 135 degrees (see [Street and Lot](#)).



Lot Coverage, Percent: The area of a lot that is covered by buildings and structures divided by the total lot area, excluding those items listed in [4.30\(C\)](#), Projections into Required Open Spaces.

Lot, Interior: Any lot other than a corner lot (see [Lot](#)).



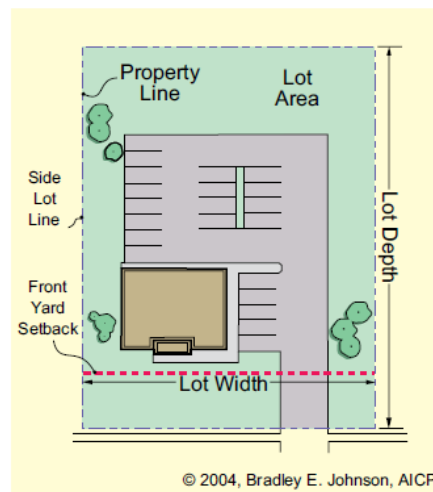
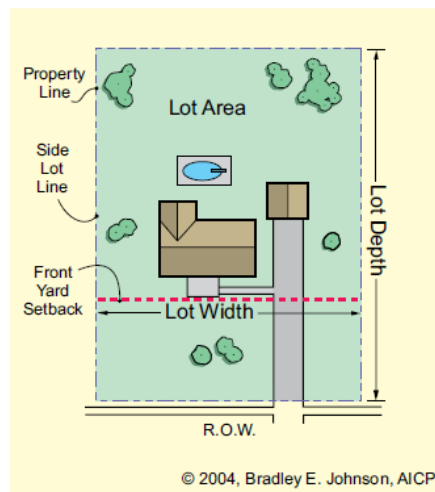
Lot Line, Front: In the case of an interior lot, the line separating the lot from the street. In the case of a corner or double frontage lot, lot line, front, means the line separating the lot from the street which is designated as front street in a request for a certificate of occupancy and use or zoning ordinance compliance permit (see [Lot, corner](#) and [Lot](#)).

Lot Line, Rear: The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than 10 feet long and wholly within the lot.

Lot Line, Side: Every side lot line which is a straight line from its intersection with the front lot line to its intersection with the rear lot line, provided that when the side lot line is the boundary line of a lot included in a recorded plat, it may be the side lot line even though it is not a straight line from the front lot line to the rear lot line.

Lot of Record: A parcel of land delineated on a plat recorded with the county Register of Deeds (see [Lot](#)).

Lot Width: The length of a straight line drawn between the points where the front setback cuts the side lot lines.



Lumen: A unit of luminous flux that measures the total quantity of light emitted from a light source. For the purposes of this ordinance, the lumen output values shall be the initial lumen output ratings of a lamp.

Luminaire: The assembly that holds a lamp(s) and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a refractor or lens. A luminaire also includes the assembly for luminous tube and fluorescent lighting.

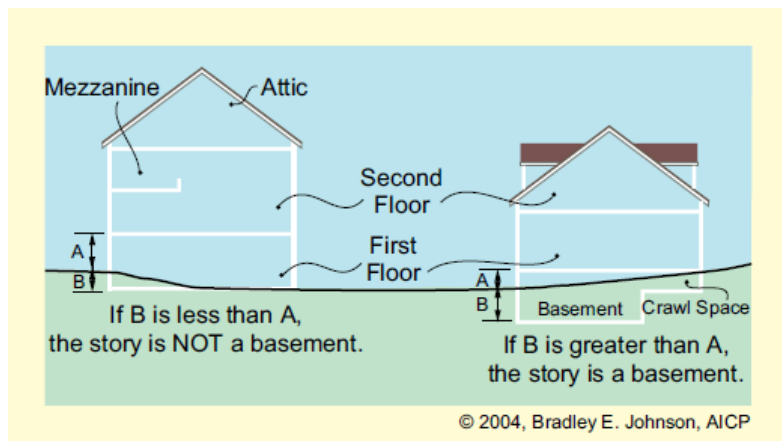
Massage Facility: Any Turkish bath facility, steam bath, sauna bath, magnetic healing institute, or any room, place, establishment, or institution where treatment of any nature for the human body is given by means of massage, as defined in section 26-251 et seq. in the Birmingham City Code, and where a massage, alcohol rub, fomentation, bath physiotherapy, manipulation of the body or similar treatment is given.

Mechanical Amusement Device: Any machine containing no automatic payoff device which may, on the insertion of a coin or slug, operate or be operated or used as a game, contest or amusement of any sort or description and which may or may not consist of electronic play appearing on a video screen and which is so constructed that it may not be converted into an automatic payoff device for the return or discharge of money, tokens, coins, checks or merchandise, or which provides no such payoff by any means whatsoever, provided that the term shall not include any coin-operated device used solely for the playing of music and provided further that the term shall include mechanical, electrical and electronic video games.

Medical Rehabilitation Facility: A place designated for community health services, educational services, outpatient services, and/or administrative services exclusive of outpatient psychiatric and substance abuse facilities.

Meeting Room: Building space designated for a special event such as, but not limited to, a formal or ceremonial dinner or for the gathering of people, especially to discuss or decide on matters of common interest.

Mezzanine: An intermediate level or levels between the floor and ceiling of any story. The total floor area cannot be more than one-third of the room in which the mezzanine is located. A mezzanine does not constitute an additional story for zoning purposes.



Midpoint: The average height between the eaves and the highest portion of the roof.

Mixed Passage: An improved public way designed as a part of a community's circulation system and which allows for simultaneous use by vehicular and pedestrian traffic.

Mobile Home: A building, transportable in 1 or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Motel: A series of attached, semi-attached, or detached apartments, each composed of bedroom, bathroom and closet space, but without cooking facilities, with each apartment having an entrance leading directly from the outside of the building with the apartment units, with the exception of the unit occupied by the management staff, being used only for the accommodation of transients and no cooking being permitted therein.

New Construction: Structures for which the start of construction commenced on or after the effective date of Ordinance No. 1096.

Nightclub: Commercial establishment operating after 10:30 p.m., having a maximum permitted occupancy load that exceeds the number of seats provided by more than a third, and which typically provides for food and/or drink consumption, dancing facilities for patrons, and the performance of live or recorded music at a sound level generally incompatible with normal conversation. A nightclub is open to the public and is not a banquet facility.

Nonconforming: A building or use that does not conform with the regulations of the Zoning Ordinance or amendments for the zoning district in which it is located.

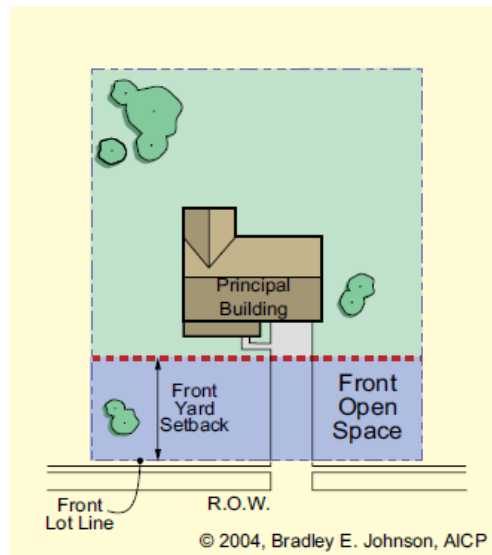
Off-Street Loading Space: An on-premises space for the standing, loading and unloading of self-propelled vehicles to avoid undue interference with the public use of streets and alleys.

Off-Street Parking Space: A space for the parking of an automobile that shall be a minimum of 180 square feet, exclusive of access drive aisles.

Office: A building or a portion of a building wherein services are performed, including professional, financial (including banks), clerical, sales, administrative, dental services, or medical services.

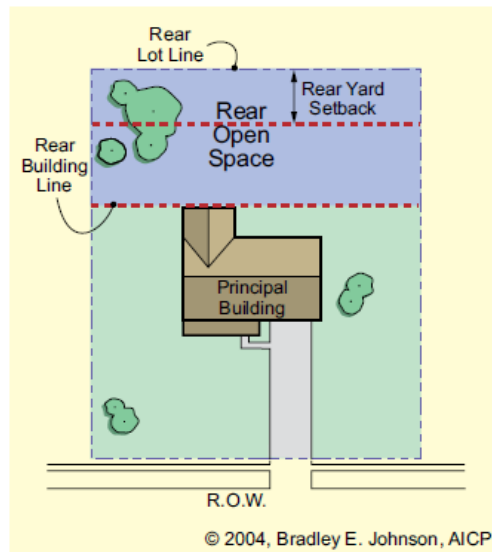
Open Space: All area of a lot except the areas occupied by a building, structure or impervious surface, excluding items listed in 4.30(C), Projections into Required Open Spaces. See Open Space, Percent.

Open Space, Front: The open space extending the full width of the lot and of a depth equal to the required set-back measured horizontally at right angles to the front lot line which is unobstructed by any building or structure.

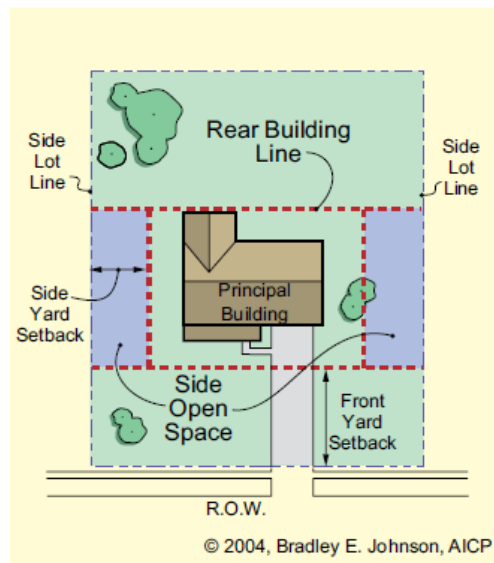


Open Space, Percent: The total area of open space divided by the total area of a lot in which the open space is located. Items listed in 4.30(C), Projects into Required Open Space, shall be included as open space.

Open Space, Rear: The open space extending the full width of the lot and having a depth which is the minimum horizontal distance between the rear lot line and the rear building line.



Open Space, Side: The open space extending from the front open space to the rear open space and of a width equal to the required side setback measured horizontally at right angles to the side lot line which is unobstructed by any building or structure.



Ornamental Landscape Feature: Ornamental features include but are not limited to benches, birdbaths, fountains, rocks, walls, fences, and gates.

Outdoor Café: An outdoor area accessory to an existing restaurant operation designated for consumption of food prepared within the restaurant and subject to the provisions of this ordinance.

Outdoor Display: The placement of any item(s) outside a building for decorative display and/or accessible to the public for the purpose of sale, rent, lease or exhibit.

Outdoor Lighting: The nighttime illumination of an outdoor area or object by any man-made device located outdoors that produces light by any means.

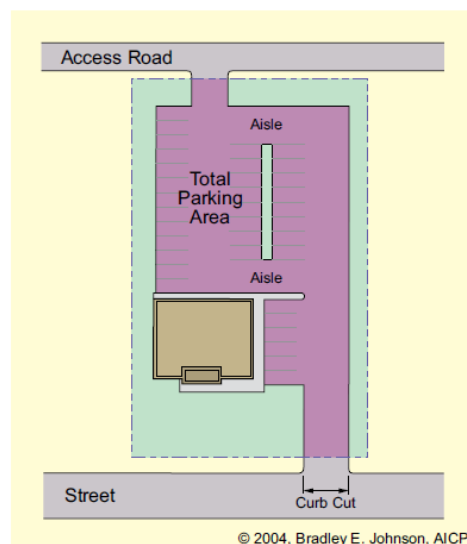
Outdoor Storage: The storage of any materials not fully enclosed within a building that are directly related to the principal use on the same property, excluding trash containers.

Parcel: A continuous area of acreage of land under the ownership of the same person.

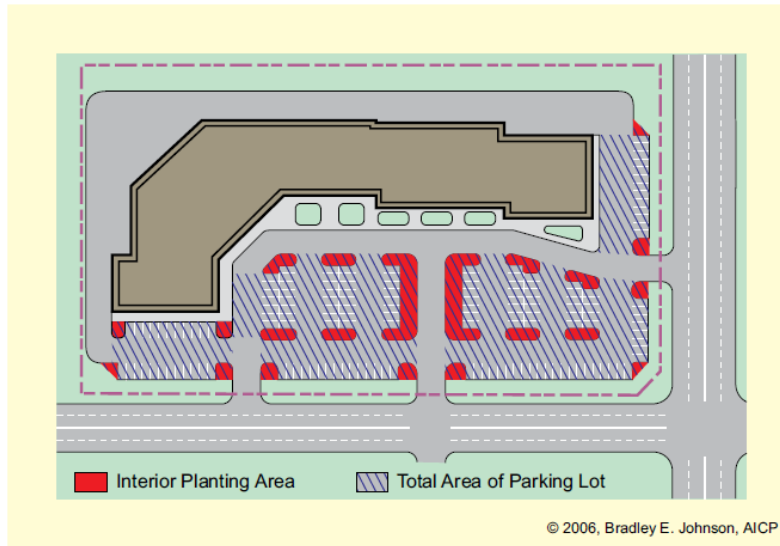
Park: A recreational facility which may include playgrounds, playfields, sport courts and incidental structures associated with such land uses (e.g. bleachers, benches).

Parking: An area used for the parking of motor vehicles.

Parking Area, Total: The actual parking area and the area of the access drives.



Parking Lot Interior: All areas within the perimeter of a parking lot, including planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side.



Party Store: A commercial establishment, other than a grocery store or drugstore, which is licensed by the state liquor control commission for the sale of packaged alcoholic beverages for consumption off premises.

Passage: A pedestrian or bicycle way physically separated from vehicular routes that supplements mixed-use travel lanes and alleys as part of a community's circulation system including, but not necessarily limited to, side-walks, pedestrian malls and gallerias.

Pawnshop: An establishment that lends money on the deposit or pledge of physically delivered personal property, and who may also purchase such property on the condition of selling it back again at a stipulated price. A pawnshop includes establishments that buy personal property, such as jewelry or artwork, made of gold or other valuable metals for refining. Consignment shops and antique shops are not considered pawnshops.

Permanent Cosmetics: The permanent application of pigment into the skin for eyebrows, eyeliner, lip liner, blush, nipple areola, scar camouflage, or similar applications.

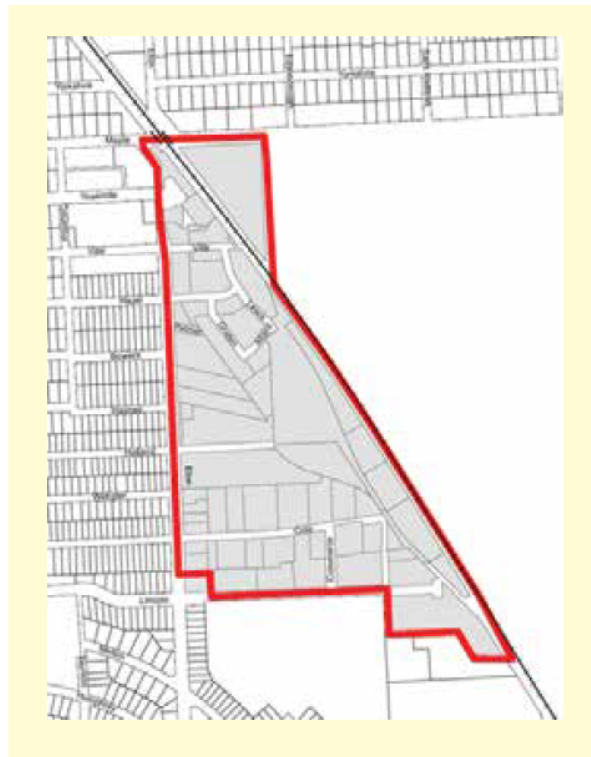
Personal Services: An establishment that is open to the general public and engaged primarily in providing services directly to individual consumers, including, but not limited to, personal care services, services for the care of apparel and other personal items, but not including business to business services, medical, dental and/or mental health services.

(Ord. No. [2252](#), 11/13/2017)

Philanthropic Use: Land uses such as senior citizen programs, youth programs, and other similar programs. Does not include correctional institutions, dormitory facilities or public dining hall facilities other than public dining hall facilities for citizens.

Photometric Plan: A demonstration or topographic of light distribution over a given area.

Rail District: All properties located within the boundary lines shown on the map below.



Religious Institution: A building housing an organization founded on an established religion, such as a church, synagogue, mosque, temple, or other house of worship.

(Ord. No. [2297](#), 10/08/2018)

Effective on: 12/23/2018

Residential Occupancy: One or more persons occupying a dwelling unit.

Retail Frontage Line: All lot lines abutting a public street that are required to be retail, as designated on the Downtown Birmingham 2016 Regulating Plan.

Retail Use: Any of the following uses: artisan, community, commercial, entertainment (including all establishments operating with a liquor license obtained under Chapter 10, Alcoholic Liquors, Article II, Division 3, Licenses for Economic Development), bistro or restaurant uses.

Right-of-Way: The strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation that is occupied, or intended to be occupied, by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, or other similar uses.

Rooftop: The external upper covering of a building.

(Ord. No. [2339](#), 08/05/2019)

Effective on: 9/15/2019

School: An institution, either public or private, offering instruction in primary, secondary or collegiate courses of study.

Screenwall: An opaque, freestanding wall aligned with the facade of an adjacent building for the purpose of screening.

Seating Capacity: The seating capacity of a building or part thereof as determined by the specifications and plans filed with the Building Official. If individual seats are not provided, each 20 inches of benches, pews or similar seating accommodations spaced not less than 32 inches from back to back shall be considered as 1 seat.

Security Lighting: Lighting used as a preventative and corrective measure against intrusions or other criminal activity on a physical piece of property. Security lighting may be provided to aid in the deterrence or detection of intruders, increase visibility, or to establish the feeling of safety.

Senior: A family where the head of the household is 62 years of age or older or a single person who is 62 years of age or older.

Setback: That distance set forth on each two-page layout in [Article 2](#), between any lot line and a line parallel thereto on the same lot except as otherwise provided in the Zoning Ordinance (see [Lot](#) and [Building](#)).

Shadow Flicker: Alternating changes in light intensity caused by a moving blade casting shadows on the ground and/or stationary objects.

Shrub: A woody plant less than 15 feet in mature height, consisting of several small stems from the ground or small branches near the ground, which may be deciduous or evergreen.

Sign: Any object, device, logo, display or structure or part thereof, which is intended to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means. Sign shall be deemed to be a single sign whenever the proximity, design, context or continuity reasonably suggests a single unit, notwithstanding any physical separation between parts. Sign shall include any banner, festoon, bulbs or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation, state or nonprofit organization or flag with no commercial advertising on its face) and any similar device of any type or kind whether bearing lettering or not.

Skilled Nursing Facility: Facility which provides inpatient skilled nursing care and related services to patients who require medical, nursing or rehabilitative services but do not require the level of care provided in a hospital. Also referred to as Nursing Home or Convalescent Home. This use does not include:

1. Facilities that negotiate sleeping arrangements on a daily basis;
2. Dwelling units occupied by families (note: dwelling units occupied exclusively by families are considered to be single-family, two-family, or multiple-family uses as the case may be);
3. Halfway houses for criminal rehabilitation;
4. Overnight general purpose shelters; and
5. Criminal rehabilitation facilities.

Social Club: A formal organization of people or groups of people with similar interests.

Specialty Food Store: A store selling foods and beverages that exemplify quality, innovation and style in their category. Their specialty nature derives from some or all of the following characteristics: their originality, authenticity, ethnic or cultural origin, specific processing, ingredients, limited supply, distinctive use, extraordinary packaging or specific channel of distribution or sale.

Special Purpose Housing: A public or private residential building containing dwelling units designed for the use and occupancy by seniors, the units of which are rented at a rate which would be not more than 110% of the rates permitted under federal or state subsidized housing for similar units for housing by seniors.

Staff Arborist: The designee(s) of the Director of Engineering and Public Service, who is/are assigned with the responsibilities of administration and enforcement of this ordinance in conjunction with the Community Development Department.

Storefront: The portion of the building at the first story of a frontage line.

Story: That portion of a building included between the upper surface of any floor and the upper surface of any floor above, or any portion of a building between the ceiling and the roof. A mezzanine or habitable attic shall not be counted as a story for purposes of determining number of stories (see [Basement](#), [Building height](#) and [Mezzanine](#) and [habitable attic](#)).

Street: A dedicated and accepted public thoroughfare or a permanent, unobstructed private easement of access having a width of more than 25 feet which affords the principal means of vehicular access to abutting property; provided such private easement existed prior to December 12, 1966 (see [Alley](#)).

Street Tree: A variety of trees located within the public right-of-way. The Staff Arborist maintains the list of approved species.

Structure: Anything constructed or erected which requires location on the ground or attachment to something having location on the ground, including swimming pools. The term "structure" shall not include walls, fences, ornamental landscape features, driveways and sidewalks.

Substantial Improvement: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial

improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Swept Area: The area through which the rotor blades of a wind turbine spin, as seen when directly facing the center of the rotor blades.

Swimming Pool, Private: A swimming facility on private property for private use.

Swimming Pool, Public: A swimming facility open to the public.

Swimming Pool, Semi-private: A swimming facility intended for residents within a particular neighborhood.

Tattoo Parlor: An establishment offering tattoo services including the creation of marks or figures upon the human body, by insertion of pigment under the skin or by production of scars, or otherwise. Beauty salons, spas or medical offices that offer permanent cosmetics are not tattoo parlors.

Terminated Vistas: A building or structure, or a portion thereof, as designated on the Regulating Plan, that terminates a view with architectural features of enhanced character and visibility.

Tobacconist: A dealer in tobacco, especially at retail.

Tower Height: Height of a wind energy facility measured from grade to the tip of the rotor blade or assembly at its highest point.

Tract: See [Parcel](#).

Transition Line: A horizontal line that extends the full width of a facade expressed by (1) a material change, (2) a trim line, or by (3) a continuous balcony a maximum of 2.5 feet deep.

Tree: A large woody plant with a root system, a trunk system supporting a defined crown and of a species that grows to a height of 15 feet or more, unless of a weeping growth pattern.

Triangle District: All properties located within the boundary lines shown on the map below.



Turbine Tower: Any structure, including its supports, that are ground-mounted, taller than 12', and designed and constructed primarily for the purpose of supporting wind turbines. This includes self-supporting lattice towers or monopole towers.

Use, Accessory: A subordinate use that is customarily incidental to the principal use on the same lot. In case a question arises as to the degree of being incidental or length of custom, the Board of Zoning Appeals shall rule. Accessory uses taking place on not more than 2 occasions per calendar year for not more than 48 hours on each occasion are not subject to the regulations of the Zoning Ordinance.

Use, Principal: The primary and chief purpose for which a lot is used, which use is conducted within a principal building, or as otherwise specified by the Zoning Ordinance.

Use, Regulated: Certain uses that are declared to be potentially detrimental and to have the possible effect of downgrading and blighting the surrounding neighborhood, particularly when concentrated in one area. All regulated uses also require a valid Special Land Use Permit. For the purposes of the Zoning Ordinance, the following are declared to be regulated uses:

1. Adult bookstores
2. Adult motion picture theaters
3. Pawnshops
4. Billiard games
5. Nightclubs
6. Motorcycle sales and rental agencies

- 7. Tractor and garden vehicle sales and rental agencies
- 8. Massage facilities and massage schools
- 9. Bathing establishments
- 0. Mechanical amusement devices
- .1. Tattoo parlors
- .2. Electronic video games

Vehicular Canopy: A roofed, open, drive-through structure designed to provide temporary shelter for vehicles and their occupants while making use of a businesses' services.

Vertical Illuminance: A term used for measuring light illuminating a vertical plane or surface.

Via: An alley or passage.

Wall Art – An artistic design applied to the exterior surface of a structure in a permanent or temporary manner. The location of wall art is limited to elevations of structures facing the side or rear lot line within the defined Rail District boundary, side elevations with a 0 foot setback in the Triangle District and Downtown Overlay District, and elevations facing a public or private alley, passage, or via in the Downtown Overlay and the Triangle District as specified in the Via Activation Overlay District. Wall art is only permitted in compliance with Chapter 126, the City of Birmingham Zoning Ordinance [Article 7](#), Section [7.41](#) – [7.44](#). Wall art is not permitted on a building facing an alley, passage or via that any of which abuts a single-family residential zoned property.

(Ord. No. [2358](#), 12/13/2021)

Effective on: 1/2/2022

Wall Pack: A floodlight mounted on the wall of a building or other structure.

Wind Energy Facility: All equipment, machinery and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to, base, tower, generator, turbine, rotor, blades, and accessory equipment such as transmission, storage, collection and supply equipment, substations, transformers, service and access roads, and one or more wind turbines.

Wind Turbine: A machine that captures the force of the wind. Referred to as a Wind Generator when used to produce electricity and a Windmill when used to crush grain or pump water. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

APPENDIX A LAND USE MATRIX

Land Use Matrix																								
P = Permitted Use A = Accessory Use S = Special Land Use Permit Required () = Shall Meet the Development Standards for the District Indicated											C = City Commission Approval Required * = Use Specific Standards Apply R = Regulated Use + = Interior floor area over 4,000 sq. ft. requires Special Land Use Permit													
	PP	RIA	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	T1	T2	T3	
Commercial Uses																								
adult bookstore	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-	-
adult motion picture theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-	-
alcoholic beverage sales	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	-	-	-	-	A*	A*	-	-	-	-
alcoholic beverage sales (off-premise consumption)	-	-	-	-	-	-	-	-	-	-	-	-	-	S	A*	A*	A*	-	-	-	-	-	-	-
alcoholic beverage sales (on-premise consumption)	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S	S	-	-	-	-

Land Use Matrix

P = Permitted Use
A = Accessory Use
S = Special Land Use Permit Required
() = Shall Meet the Development Standards for the District Indicated

C = City Commission Approval Required
*** = Use Specific Standards Apply**
R = Regulated Use
+ =Interior floor area over 4,000 sq. ft. requires Special Land Use Permit

	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	TZ1	TZ2	TZ3
animal medical hospital	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
any use incidental to principal use	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	-	-	-	-
art gallery	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	-	P	-	-	P+
artisan use	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P+
auto laundry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-
auto rental agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	p*	-	-	-
auto sales agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
auto show room	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
automobile repair and conversion	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
bakery	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	P	-	-	S
bank/credit union with drive-thru	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
bank (with drive-through facilities)	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	-	-
bank (without drive-through facilities)-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	-	-	-	-
barber shop/beauty salon	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	-	-	P+
bathing establishment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
bistro	-	-	-	-	-	-	-	-	-	-	S*	S*	S*	-	S*	S*	-	-	-	-	-	-	-
bookstore	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P+
boutique	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	P+
commercial or office use incidental to principal use	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-	-
catering	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-
child care center	-	-	-	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	P	P	-	-	-
clinic	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-
clothing store	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	P	-	-	-
coffee shop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	S
delicatessen	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	S
department store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	-	-	-	-
drive-in facility	-	-	-	-	-	-	-	-	-	-	-	-	-	S*	S	S	S	-	-	-	-	-	-
drug store	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P*	P	P	-	-	P+
dry cleaning	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	S
electronic video game	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
essential services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
family day care home	-	A*	A*	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
food or drink establishment	-	-	-	-	-	-	-	-	-	-	-	S*	-	-	p*	p*	p*	-	p*	p*	-	-	S

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	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	TZ1	TZ2	TZ3
funeral home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-
furniture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-
gasoline full service station	-	-	-	-	-	-	-	-	-	-	-	-	-	S*	S*	S*	S*	-	-	-	-	-	-
gasoline service station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-
gift shop/flower shop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	P	-	-	P+
greenhouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	-	-	-
greenhouse - private	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	A	-	-	-
grocery store	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	S
hair replacement establishment	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
hardware store	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	P+
health club/studio	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P+
home occupation	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	A*	-	-	-	-	-	-	A	A*	-	A
hotel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
interior design shop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-
jewelry store	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	P	P	P	-	-	P+
kennel	-	-	-	-	-	-	-	-	-	-	A*	A*	-	A*	A*	A*	A*	-	-	P*	-	-	-
laboratory - medical/dental	-	-	-	-	-	-	-	-	-	-	A*	A*	-	A*	A*	A*	A*	A*	A*	P	-	-	-
laundry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	-	-	-
leather and luggage goods shop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-
massage facility or massage school	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
mechanical amusement device	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
motel	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
motorcycle sales or rental agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
neighborhood convenience store	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	P+
nightclub	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
office	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P	P	P	P	P	-	-	P+
outdoor café	-	-	-	-	-	-	-	-	-	-	A*	A*	-	-	A*	A*	A*	A*	A*	A*	-	-	-
outdoor display	-	-	-	-	-	-	-	-	-	-	-	A*	-	A*	A*	A*	A*	A*	A*	A*	-	-	-
outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	A*	A*	-	-	A*/S*	-	-	-
paint	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
party store	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
pawnshop	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
pet grooming facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
pharmacy	-	-	-	-	-	-	-	-	-	-	A*	A*	-	-	-	-	-	-	-	-	-	-	-
photography studio	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-

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billiard games	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*		-	R*	-	-	-
regulated uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*			C*	-	-	-
renting of rooms	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	A*	-	-	-	-	-	-	A*	-	-	-
restaurant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
retail fur sales cold storage facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	A	-	-	-	-
retail photocopying	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
school-business	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-
shelter building	-	-	-	-	-	-	-	-	-	-	-	-	A*	-	-	-	-	A*	-	-	-	-	-
shoe store/shoe repair	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P	-	-	-
showroom of electricians/plumbers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
sign	-	A	A	A	A	A	A	A	A	A	-	-	A	A	A	A	A	A	A	A	-	-	-
specialty food store	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	S
specialty home furnishing shop	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-
tailor	-	-	-	-	-	-	-	-	-	-	-	P	-	P	P	P	P	-	P	P	-	-	P
tattoo parlor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
theater	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-	-	-	-
tractor and garden vehicle sales or rental agency	-	-	-	-	-	-	-	-	-	-	-	-	-	-	R*	R*	R*	-	-	R*	-	-	-
trailer camp	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-
tobacconist	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	P	-	-	-
veterinary clinic	-	-	-	-	-	-	-	-	-	-	P*	P*	-	-	-	-	-	-	-	P	-	-	S

Industrial

light industrial uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
warehousing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-

Institutional

auditorium	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
bus/train passenger station and waiting area	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S	P	-	P	-	-	-
cemetery	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
college	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
community center	-	-	-	-	-	-	-	S	S		-	-	S	P	P	P	P	-	P	-	-	-	-
essential services	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
garage - community	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-	-	-
garage - private	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	A	-	-	-
garage, public	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
government office	P	P	P	P	P	P (R3)	P (R4)	P (R5)	P (R6)	P (R3)	P (R5)	P (R5)	P (R7)	P	P	P	P	-	P	P	-	-	S
government use	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	S

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	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	TZ1	TZ2	TZ3
loading facility - off-street	-	-	-	-	-	-	-	-	-	-	A*	A*	A	A*	P/A	P/A	P/A	A	P/A	A*	-	-	-
medical rehabilitation facility	-	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
parking (accessory) - public, off-street	-	S	S	S	S	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
parking facility - off-street	P	-	-	-	-	-	-	S	S	-	A*	A*	P*	A*	P/A	P/A	P/A	A	P/A	A*	-	-	-
parking - off-street	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	A	A
parking facility - private off-street	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	-	-	A	-
parking - public, off-street	-	A*	A*	A*	A*	A*	A*	A*	A*	A*	-	-	A	-	-	-	-	-	-	-	-	-	-
parking structure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A	-	A/S*	-	-	S
parking structure (not accessory to principal use)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
philanthropic use	-	S	S	S	S	P	P (R4)	P (R5)	P (R6)	-	P (R5)	P (R5)	P (R7)	-	-	-	-	-	-	-	-	-	-
publicly owned building	-	S	S	S	S	S	S	S	S	-	-	-	S	-	-	-	-	-	-	-	P	-	-
public utility building	-	S	S	S	S	S	S	S	S	-	-	-	S	-	-	-	-	-	-	-	-	-	-
religious institution	-	S	S	S	S	S	S	S	S	-	S	-	S	P	P	P	P	-	P	S	-	S	S
school - private	P	S	S	S	S	S	S	S	S	-	-	-	S	P	P	P	P	-	P	S	-	-	S
school - public	P	P	P	P	P	P (R3)	P (R4)	P (R5)	P (R6)	P (R3)	P (R5)	P (R5)	P (R7)	P	P	P	P	-	P	S	-	-	S
social club	-	-	-	-	-	-	-	S	S	-	-	-	S	P	P	P	P	-	P	-	-	-	-
Recreational																							
bowling alley	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-
indoor/outdoor recreational facility	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
outdoor amusement	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	P*	-	-	-	-
park	P	P	P	P	P	P (R3)	P (R4)	P (R5)	P (R6)	P (R3)	P (R5)	P (R5)	P (R7)	-	-	-	-	-	-	P	-	-	-
recreational club	-	-	-	-	-	-	-	S	S	-	-	-	S	P	P	P	P	-	P	-	-	-	-
stadium	-	-	-	-	-	-	-	-	-	-	-	P (R5)	-	-	-	-	-	-	-	-	-	-	-
swimming pool - private	-	A	A	A	A	A	A	A	A	A	-	-	A	-	-	-	-	-	-	A	-	-	-
swimming pool - public	P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	A	P	P	-	-	-
swimming pool - semiprivate	-	-	-	-	-	-	P	P (R5)	P (R6)	-	P (R5)	P (R5)	P (R7)	P	P	P	P	-	P	P	-	-	-
Residential																							

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	PP	R1A	R1	R2	R3	R4	R5	R6	R7	R8	O1	O2	P	B1	B2	B2B	B2C	B3	B4	MX	T1	T2	T3	
adult foster care group home	-	P	P	P	P	P (R3)	P (R4)	P (R5)	P (R6)	P (R3)	P (R5)	P (R5)	P (R7)	-	-	-	-	-	-	-	-	-	-	-
assisted living	-	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	-	S	S	S	S	-	-	S
continued care retirement community	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	S	-	-	-	-
dwelling - accessory	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	A*	-	-	-
dwelling - first floor with frontage on Eton Road	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
dwelling - multiple-family	-	-	-	-	-	-	P	P (R5)	P (R6)	-	P (R5)	P (R5)	P (R7)	-	P	P	P	P	P	-	P	-	-	P
dwelling - one-family	-	P	P	P	P	P (R3)	P (R4)	P (R5)	P (R6)	P (R3)	P (R5)	P (R5)	P (R7)	-	P*	P*	P*	-	P*	-	P (R3)	-	-	P (R3)
dwelling - single-family attached	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	P	-	P
dwelling - two-family	-	-	-	-	-	P	P (R4)	P (R5)	P (R6)	-	P (R5)	P (R5)	P (R7)	-	P*	P*	P*	-	P*	-	-	-	-	-
family day care home	-	A*	A*	A*	A*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	A	-	A
group day care home	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	-
independent hospice facility	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	S	S	-	-	S
independent senior living	-	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	-	S	S	S	S	-	-	S
live/work unit	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
residential with nonresidential if frontage on Eton Road	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
single-family cluster	-	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
skilled nursing facility	-	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	-	S	S	S	S	-	-	S
special-purpose housing	-	-	-	-	-	-	-	-	S*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other																								
gas regulatory station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
telephone exchange building	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
utility substation	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	P	-	-	-	-
water tower	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
well	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

(Ord. No. 2298, 10/08/2018)

Effective on: 12/23/2018

APPENDIX B INDEX

A

Accessory Structure:

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Accessory Use:

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Adult Bookstore:

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Wildlife:

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X

Y

Z

Zoning District:

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Zoning Map:

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Zoning Ordinance Compliance Permit:

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APPENDIX C EXHIBITS

Contents:

Exhibit 1 Economic Development Licenses

Exhibit 1 Economic Development Licenses



City of Birmingham Economic Development Licensing



(Ord. No. [2340](#), 10/28/2019; Ord. No. [2351](#), 07/12/2021)

Effective on: 8/29/2021

ORDINANCE HISTORY TABLE

March 2017 - Current

Ordinance Number	Note	Adoption Date	Affected Sections
2222	TO ADD REGULATIONS FOR DORMERS PROJECTING FROM SECOND STORY ROOFS ON SINGLE-FAMILY HOMES	03/13/2017	4.75
2237	TO CREATE THE TZ2 ZONING CLASSIFICATION	06/12/2017	2.43
2238	TO ADOPT THE FOLLOWING DEVELOPMENT STANDARDS FOR THE TZ2 ZONE DISTRICT	06/12/2017	2.44
2239	TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DISTRICT INTENT, PERMITTED USES, AND SPECIAL USES TO ARTICLE 2, SECTION 2.45 WITH NO CHANGES	06/12/2017	2.45
2240	TO RENUMBER THE EXISTING TZ3 (TRANSITION ZONE 3) ZONING CLASSIFICATION, DEVELOPMENT STANDARDS TO ARTICLE 2, SECTION 2.46 WITH NO CHANGES	06/12/2017	2.46
2241	TO ADD USE SPECIFIC STANDARDS FOR THE TZ2 DISTRICT	06/12/2017	5.15
2242	TO REQUIRE CLEAR GLAZING AT THE FIRST FLOOR FAÇADE.	07/24/2017	3.04
2243	TO REQUIRE CLEAR GLAZING AT THE FIRST FLOOR FAÇADE	07/24/2017	3.09
2244	TO ALTER THE REQUIRED GLAZING ON COMMERCIAL BUILDINGS	07/24/2017	4.90
2245	TO AMEND ARTICLE 07 ARCHITECTURAL DESIGN REQUIREMENTS, SECTION 7.05, REQUIREMENTS	07/24/2017	7.05
2246	TO ADD DEFINITIONS FOR CLEAR GLAZING AND LIGHTLY TINTED GLAZING	07/24/2017	Clear Glazing, Lightly Tinted Glazing
2252	to add a definition for personal services	11/13/2017	Personal Services
2253	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	11/20/2017	2.29
2254	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	11/20/2017	2.31
2255	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	11/20/2017	2.39
2256	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	11/20/2017	3.07
2257	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	11/20/2017	3.07
2258	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	11/20/2017	3.07
2266	TO AMEND THE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS	04/23/2018	7.26
2267	TO AMEND THE SPECIAL LAND USER PERMIT REVIEW PROCESS TO INCLUDE SITE PLAN REVIEW SUBMITTAL REQUIREMENTS TO INCLUDE ADJACENT PROPERTY DETAILS	04/23/2018	7.34
2269	TO ALLOW THE USE OF LIQUOR LICENSES FOR HOTELS	05/14/2018	2.37
2310	TO AMEND THE REGULATIONS FOR A BISTRO IN THE DOWNTOWN OVERLAY DISTRICT	09/17/2018	3.04
2311	TO AMEND THE REGULATIONS FOR A BISTRO IN THE O1 DISTRICT	09/17/2018	5.06
2312	TO AMEND THE REGULATIONS FOR A BISTRO IN THE O2 DISTRICT	09/17/2018	5.07
2313	TO AMEND THE REGULATIONS FOR A BISTRO IN THE P DISTRICT	09/17/2018	5.08
2314	TO AMEND THE REGULATIONS FOR A BISTRO IN THE B2B DISTRICT	09/17/2018	5.10
2315	TO AMEND THE REGULATIONS FOR A BISTRO IN THE B3 DISTRICT	09/17/2018	5.11
2316	TO AMEND THE REGULATIONS FOR A BISTRO IN THE B4 DISTRICT	09/17/2018	5.12
2317	TO ADD REGULATIONS FOR A BISTRO IN THE MX DISTRICT AND RENUMBER REGULATIONS FOLLOWING (C)	09/17/2018	5.13
2272	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.03
2273	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.05
2274	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.07
2275	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.09
2276	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.11

Ordinance Number	Note	Adoption Date	Affected Sections
2277	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.13
2278	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.15
2279	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.17
2280	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.21
2281	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.25
2282	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.27
2283	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.29
2284	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.31
2285	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.33
2286	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.37
2287	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.39
2288	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.43
2289	TO REMOVE CHURCH AND REPLACE WITH RELIGIOUS INSTITUTION	10/08/2018	2.45
2290	TO REMOVE CHURCH IN THE LAND USE MATRIX	10/08/2018	3.07
2291	TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION	10/08/2018	4.45
2292	TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION	10/08/2018	4.52
2293	TO REPLACE CHURCHES WITH RELIGIOUS INSTITUTIONS	10/08/2018	4.66
2294	TO REPLACE CHURCH OR OTHER RELIGIOUS FACILITY WITH RELIGIOUS INSTITUTION	10/08/2018	4.84
2295	TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION	10/08/2018	4.86
2296	TO REPLACE CHURCH WITH RELIGIOUS INSTITUTION	10/08/2018	7.21
2297	TO ADD A DEFINITION OF RELIGIOUS INSTITUTION	10/08/2018	Religious Institution
2298	TO MERGE CHURCH AND CHURCH AND RELIGIOUS INSTITUTION ROWS INTO ONE ROW UNDER RELIGIOUS INSTITUTION	10/08/2018	Appendix A
2299	TO ELIMINATE INDEXED PAGES WHERE CHURCH NO LONGER EXISTS, ADD RELIGIOUS INSTITUTION AND CORRESPONDING PAGE NUMBERS	10/08/2018	Church; Religious Institution:
2300	TO INCREASE THE AMOUNT OF THE ONE-TIME PAYMENT-IN-LIEU OF PARKING FEE OPTION IN THE TRIANGLE OVERLAY DISTRICT	11/19/2018	3.08
2301	TO AMEND THE EXISTING DEFINITION OF BISTRO	12/03/2018	Bistro
2307	TO ELIMINATE THE OVERLAY SIGNAGE STANDARDS	02/11/2019	3.04
2319	TO ADD INTENT AND STANDARDS REGULATING ENCROACHMENTS INTO THE RIGHT OF WAY	05/06/2019	4.74
2320	TO CLARIFY REQUIREMENTS FOR SITE PLAN REVIEW	05/06/2019	7.25
2321	TO CLARIFY REQUIREMENTS FOR SITE PLAN REVIEW	05/06/2019	7.08
2322	TO REGULATE BALCONY, RAILING, AND PORCH MATERIALS	06/24/2019	3.04
2323	TO REGULATE ROOFTOP ITEMS EXCLUDED FROM HEIGHT STANDARDS	08/05/2019	4.18
2324	TO ALLOW ROOFTOP USE AND AMENITIES IN THE MX ZONE DISTRICT	08/05/2019	4.19
2325	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.03
2326	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.04
2327	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.05
2328	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.06
2329	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.07
2330	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.08
2331	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.09
2332	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.10
2333	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.11
2334	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.12

Ordinance Number	Note	Adoption Date	Affected Sections
2335	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.13
2336	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.14
2337	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.15
2338	TO ALLOW ROOFTOP USE AND AMENITIES	08/05/2019	5.15
2339	TO AMEND DEFINITIONS	08/05/2019	Building Height, Building Height, Building Height, Downtown Overlay, Rooftop
2340	TO AMEND ECONOMIC DEVELOPMENT LICENSES MAP	10/28/2019	Exhibit 1
2341	TO AMEND THE USES REQUIRING A SPECIAL LAND USE PERMIT	10/28/2019	2.39
2342	TO AMEND THE BUILDING HEIGHT STANDARDS IN THE D5 ZONE OF THE DOWNTOWN BIRMINGHAM OVERLAY DISTRICT	01/13/2020	3.04
2343	TO DEFINE THE TERM ABUTTING	01/13/2020	Abutting
2351	AMEND ECONOMIC DEVELOPMENT LICENSES MAP	07/12/2021	Exhibit 1
2352	TO REMOVE ROOF-MOUNTED SOLAR ELECTRIC SYSTEMS	07/26/2021	4.09
2353	TO ADD AMENDED SOLAR ENERGY SYSTEMS REQUIREMENTS	07/26/2021	4.88, 4.88 AE-02: Alternative Energy
2354	TO ADD GENERAL PUBLIC NOTICE REQUIREMENTS	09/20/2021	7.01
2355	TO REMOVE AND RELOCATE PUBLIC NOTICE REQUIREMENTS	09/20/2021	7.29
2357	TO AMEND ARTICLE 7, SECTION 7.41-7.46 – PROCESSES, PERMITS, AND FEES TO CREATE A REVIEW PROCESS FOR WALL ART	12/13/2021	7.41, 7.42, 7.43, 7.44, 7.45, 7.46
2358	TO PROVIDE A DEFINITION FOR WALL ART	12/13/2021	Wall Art
2359	TO AMEND ARTICLE 4, SECTION 4.44, OUTDOOR DINING STANDARDS, TO REMOVE TEMPORAL RESTRICTIONS ON OUTDOOR DINING PATIOS IN THE PUBLIC RIGHT-OF-WAY, AND TO ALLOW OUTDOOR DINING FIXTURES AND FURNISHINGS TO STAY OUTSIDE OVERNIGHT	02/14/2022	4.44