

ZONING

CITY OF
HOMEWOOD, ALABAMA

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

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ZONING*

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ARTICLE I. INTRODUCTION

Sec. A. Authority.

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

Sec. B. Short title.

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

*Editor's note--Ord. No. 1602, dated Dec. 9, 1986, adopted the zoning ordinance.
Cross reference(s)--Planning commission, § 17-1 et seq.; board of adjustment, § 17-20 et seq.

Sec. C. Purpose.

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Homewood; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Homewood.

Sec. D. Method.

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

ARTICLE II. DEFINITIONS

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

Accessory structures: A subordinate structure incidental to the primary use of the lot.

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

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

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

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

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

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

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

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

- (1) At its narrowest point, it has a level, horizontally measured width of ten (10) feet minimum; and
- (2) Its entire ground surface must remain unobstructed by manmade structures (except for approved fences and walls), pavement or any other impervious surface improvement; and
- (3) It must be so populated with plant materials that, within one (1) full calendar year after the date of installation of the plant material, the plant population provides a persistent, evergreen barrier that has a uniform distribution of foliage that is sufficiently dense so as to be impervious to transverse view from every vantage point located 0-to-6 feet in height along the longitudinal edges of the strip; and the

plant population must be cultured and maintained so that, within three (3) full calendar years after the original date of installation of the plant material, the plant population is sufficiently dense so as to be impervious to transverse view from every point located 0-to-8 feet in height along the longitudinal edges of the strip. All vantage points shall be determined by vertical (plumb) measure taken from the relative point on the ground surface along said longitudinal edges; and

- (4) Its entire ground surface must be covered by an overstory of vegetation; and
- (5) Its entire ground surface must be covered by a layer of organic mulch, having a minimum thickness of four (4) vertical inches and being comprised of clean pine straw, shredded tree bark or other organic material approved by the city planner; and
- (6) It must be adequately maintained so as to affect the continuing and satisfactory performance of its requisite functions as a buffer strip.

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

Building, main: The principal building on a lot, including an attached garage, carport, porch or part thereof.

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

Building height: The vertical distance measured from the finished grade, to the highest point of the roof for flat and mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

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

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

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

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

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

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

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

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

Dwelling: Any building or portion thereof which is designed or used primarily for residential occupancy, except that the word "dwelling" shall not include boarding or rooming houses, tents, dormitories, motels, hotels, or other structures designed or used primarily for transient residents.

Dwelling unit: Any portion of a building used, intended, or designed as a separate abode for one (1) family.

Family: An individual, or a group of two (2) or more persons related by blood, marriage or adoption, which may be together with no more than three (3) additional persons not related by blood, marriage or adoption; or not more than four (4) individuals not related by blood, marriage or adoption, living together as a single housekeeping unit.

Fence: A structure intended for a barrier or enclosure constructed of any material except masonry or concrete.

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

Home occupation: An accessory use of a dwelling, employing only the inhabitants thereof, which is clearly incidental and secondary to residential occupancy, and subject to the criteria set forth in Article IX, section C, subsection 1, subparagraph b of this ordinance.

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

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

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

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

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

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

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

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

Nursing home: A home for the aged, chronically ill or incurable persons (except mental or alcoholic patients and drug addicts), in which two (2) or more persons are received, kept or provided with food, shelter and care for compensation but not including hospitals, clinics or other institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

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

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

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

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

Parking space: A clearly designated area located on private property, surfaced by either bituminous pavement or concrete, for temporary occupancy by a motor driven vehicle.

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

Planning commission: The City of Homewood Planning Commission.

Property lines:

Front property line: Any property line along any street right- of-way.

Side property line: Any property line intersecting a street right-of-way line.

Rear property line: Any other property line.

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

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

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

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

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

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

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

Structure: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, overhead wires, dish antennas, fences, retaining walls, decks, storage buildings, but excluding sidewalks and paving on streets, driveways, parking areas and patios.

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

Townhouse: Attached dwelling units situated on individual lots.

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

Zoning lot: A lot or parcel created by the combination of two (2) or more lots or parcels which are adjacent or contiguous to each other and are under common ownership on the

effective date of this ordinance or subsequent thereto, where any of such individual lot(s) or parcel(s), do not meet the minimum requirements of this ordinance prior to combination.

(Ord. No. 1826, § 1, 8-23-93; Ord. No. 2001, § 1, 11-23-98; Ord. No. 2019, § 1, 6-28-99)

ARTICLE III. GENERAL REGULATIONS

Sec. A. Districts.

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

(1) Residential Districts:

NPD Neighborhood Preservation District

R-1 Detached Dwelling Unit District

R-2 Detached Dwelling Unit District

R-3 Detached Dwelling Unit District

R-4 Attached Dwelling Unit District

R-5 Attached Dwelling Unit District

R-6 Attached Dwelling Unit District

R-7 Attached Dwelling Unit District

PR-1 Planned Residential District

PR-2 Planned Residential District

(2) Commercial Districts:

C-1 Office District

C-2 Neighborhood Shopping District

C-3 Community Business District

C-4 Central Business District

C-4(a) Retail Shopping District

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

C-5 General Business District

PCD-1 Planned Office District

PCD-2 Planned Commercial District

(3) Manufacturing Districts:

M-1 Light Manufacturing District

PI Planned Industrial District

- (4) Institution Districts:
 - I-1 Institution District
 - I-2 Institution District
 - I-3 Institution District
- (5) PMUD Planned Mixed Use Districts
- (6) MXD Mixed Use District
- (7) Urban Renewal Districts:
 - GURD Greensprings Urban Renewal District
 - EURD Edgewood Urban Renewal District

(Ord. No. 2257, § 1, 07-25-2005)

Sec. B. Zoning map.

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

Sec. C. Interpretation of district boundaries.

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

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

(Ord. No. 2001, § 2, 11-23-98)

Sec. D. General use requirements.

- (1) Application of this ordinance: No structure shall be construed, erected, placed or maintained and no land use commenced or continued within the city except as specifically or by necessary implication, authorized by this ordinance.
- (2) Except as otherwise provided in this ordinance:
 - a. No land or structure may be used except for a purpose permitted in the district in which it is located.
 - b. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.
 - c. The minimum building lines, parking spaces, open spaces, and lot areas, required by this ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.
 - d. Every building hereafter erected or structurally altered shall be located on one lot. However, this ordinance specifically permits more than one building on a lot, in the case of attached dwellings, and uses which require development plan approval. Townhouses shall be constructed as one building on more than one lot.
- (3) Temporary structures for uses incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary structures shall be removed upon completion or abandonment of the construction work.
- (4) Utility structures including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone, telegraph, or cable television service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other fluids may be constructed, erected, repaired, maintained or replaced within any district within the City of Homewood. This is not to be construed to include the erection or construction of buildings or electric substations.

Sec. E. Nonconforming uses of land and buildings.

Statement of intent. Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures, which were lawful when established, but which would be prohibited or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

- (1) *Continuance*: A nonconforming use lawfully existing at the effective date of this ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this ordinance.
- (2) *Restoration to safe condition*: Nothing in this ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.
- (3) *Restoration after damages*: Other than detached dwellings, no nonconforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its current replacement value prior to the time of such damage, shall be rebuilt or restored except in conformity with the provisions of this ordinance.
- (4) *Abandonment*: A nonconforming use which has been discontinued for a continuous period of one (1) year shall not be reestablished, and any future use shall be in conformity with the provisions of this ordinance.
- (5) *Change is use*: A nonconforming use shall not be changed to another nonconforming use. A nonconforming use which is changed to a conforming use shall not be permitted to revert to a nonconforming use.

Sec. F. Abandoned right-of-way.

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

Sec. G. Nonconforming lots.

There exist lots in the city, which were lawful when platted, but which are too small to be developed under the provisions of this ordinance. (Nonconforming lot(s) of record.) Some of these lots are in subdivisions which have a dwelling on each lot; others are in subdivisions which were developed using more than one (1) lot per dwelling.

It is the intent of this ordinance to maintain the average lot width and developed density within each of the city's subdivisions or districts.

If two (2) or more lots or parcels are adjacent or contiguous to each other and are under common ownership on the effective date of this ordinance, or subsequent thereto, such adjacent or contiguous lots or parcels shall be combined to form one (1) lot or parcel [hereinafter referred to as "zoning lot(s)"] and shall be considered one (1) zoning lot for purposes of complying with the Homewood Zoning Ordinance minimum lot width and area requirements, if any such individual lot(s) do not meet said minimum requirements. No zoning lot(s), or any portion thereof, shall be used in any way that conflicts with the regulations or requirements of this ordinance. No building permit shall be issued for construction on any nonconforming lot or portion of any zoning lot(s) that is sold, transferred, or conveyed in violation of the provision of this ordinance and/or of this

section, provided however, that this provision shall not prevent the dividing of presently existing townhouses or other multifamily dwellings into separate ownership units.

The provisions of this section are intended to apply to all nonconforming lots or parcels whether shown on an approved or recorded plot or plan. No building permit shall be issued for any zoning lot(s), or any portion thereof, until such time as said zoning lot is resurveyed so as to create one (1) or more lots or parcels which conform with the provisions of this ordinance which include, but are not limited to, the minimum lot width or frontage and area requirements of the district in which such property is located.

A lot of record, at the time of the effective date of this ordinance (or December 9, 1986), which does not conform to the requirements of this ordinance and which is not adjacent to or contiguous to and under common ownership with another lot of record or parcel, may be used as a building site upon an appeal to and approval by the board of zoning and adjustment of the city.

(Ord. No. 1826, § 2, 8-23-93)

ARTICLE IV. DISTRICT USES

Sec. A. NPD Neighborhood Preservation District.

- (1) *Intent*: To recognize the historical patterns and densities of residential subdivisions, and to encourage the continuation of homogeneous development patterns.
- (2) *Permitted uses*: Detached dwelling units and accessory structures.
- (3) Development regulations:
 - a. Property located in the NPD district may be developed if the lot area of the subject property is greater than or equal to one hundred (100) percent of the average developed density and lot width of the recorded residential lots within the impact area. Average developed density is defined as the number of dwellings within the impact area, divided into the square footage contained in the residential lots recorded in the Jefferson County Probate Office, within the impact area; subject to the following:
 1. The proposed lot(s) shall not be used to compute average developed density.
 2. If a portion of a lot is within the impact area, the entire lot shall be used to compute average developed density.
 3. A vacant lot or a group of contiguous vacant lots owned by the same person or entity, shall be used to compute average developed density, only if they are contiguous to a lot under the same ownership, which contains a dwelling.
 4. A vacant lot of one (1) acre or more, or a series of vacant lots with a cumulative area of one (1) acre or more, shall not be used to compute average developed density.
 - b. *Impact area*: The impact area for lots shall be all detached residential lots within two hundred fifty (250) feet of the subject lot's boundaries except that no lots in any of the Planned Districts shall be used to compute the average developed density.
 - c. *Average lot width*: Because some NPD areas have a dwelling on each recorded lot, while other areas were developed using more than one (1) recorded lot per dwelling, average lot width shall be defined as follows: The cumulative distance determined by measuring the lot width at the front building line, of all lots used to compute average developed density, divided by the number of dwellings in the impact area. For the purpose of this calculation, the width of a corner lot shall be the average of the lot widths at the building line, for all abutting streets.

d. Setbacks:

1. *Front*: The minimum front building setback shall be determined by a line drawn between the closest front corners of the adjacent dwelling on the same side of the street. If the subject property is a corner lot, or does not have adjacent dwellings on both sides, the minimum front building setback shall be thirty-five (35) feet.

2. Side:

<i>Lot Width</i>	<i>Min. Side Building Setback</i>
40--49 feet	5 feet and 5 feet
50--55 feet	5 feet and 9 feet*
56--65 feet	9 feet and 9 feet
66--75 feet	10 feet and 10 feet
76 feet and over	Each side: 15 percent of lot width.

*The nine (9) foot minimum setback shall apply to the property line which abuts the adjacent lot having the smaller side building setback of the two (2) adjacent lots.

3. *Rear*: The minimum rear building setback shall be determined by a line drawn between the closest rear corners of the adjacent dwellings on the same side of the street. If the subject property is a corner lot or does not have adjacent dwellings on both sides, the minimum rear building setback shall be twenty (20) feet.

e. Maximum height: The maximum building height shall be thirty- five (35) feet, measured from the front elevation of the building.

f. Minimum living area of dwelling:

<i>Lot Width</i>	<i>Minimum Living Area</i>
40--49 feet	1000 Square feet
50--55 feet	1200 Square feet
56--65 feet	1400 Square feet
66--75 feet	1600 Square feet
76 feet and greater	1800 Square feet

g. Off-Street Parking and Loading Requirements, Article VII.

h. Sign Regulations, Article VIII.

(Ord. No. 1641, § 5, 2-8-88; Ord. No. 1776, § 1, 2-24-92; Ord. No. 2001, § 3, 11-23-98; Ord. No. 2031, § 1, 8-23-99)

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

(1) *Intent*: To provide areas for low density detached dwelling units, free from incompatible land uses.

(2) *Permitted uses*: Detached dwelling units and accessory structures.

- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Sign Regulations, Article VIII.

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

- (1) *Intent*: To provide areas for low density detached dwelling units, free from incompatible land uses.
- (2) *Permitted uses*: Detached dwelling units and accessory structures.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Sign Regulations, Article VIII.

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

- (1) *Intent*: To provide areas for medium density dwelling units, free from incompatible land uses.
- (2) *Permitted uses*: Detached dwelling units and accessory structures.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Sign Regulations, Article VIII.

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

- (1) *Intent*: To provide areas for duplex and detached dwelling units, free from incompatible land uses.
- (2) *Permitted uses*: Duplex and detached dwelling units and accessory structures.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Sign Regulations, Article VIII.

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

- (1) *Intent*: To provide areas for medium density attached dwelling units.
- (2) *Permitted uses*: Attached dwelling units and accessory structures, nonprofit health clubs and nursing homes.

- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Sign Regulations, Article VIII.

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

- (1) *Intent*: To provide for high density attached dwelling units, developed in accord with an approved development plan, as required in Article VI.
- (2) *Permitted uses*: Attached dwelling units and accessory structures, to include apartments and condominiums and recreation, fitness and entertainment facilities for use by residents only.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.
- (4) *Height regulations*: Maximum height of structures in the R-6 District shall be determined by planning commission review of a development plan, containing all information required in Article VI. High-rise structures have a propensity to obstruct visibility, obscure significant landmarks and features, deprive adjacent areas of natural ventilation and sunlight, and dramatically change the character of an area or city. Therefore, the planning commission shall consider as a minimum, the following factors when reviewing a development plan for high-rise structures:
 - a. Compatibility of the proposed development with the area or neighborhood in which it is proposed.
 - b. Capability of the area to accommodate a high density development in terms of: vehicular and pedestrian traffic, proximity to public transportation, storm drainage, and safe and efficient access to the site.
 - c. Proposed developments featuring high rise structures shall concentrate all proposed improvements, using a minimum amount of the site.

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

- (1) *Intent*: To provide areas for townhouse dwelling units.
- (2) *Permitted uses*: Townhouses and accessory structures.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII, off- street parking spaces shall be provided in the rear yard.

- c. Sign Regulations, Article VIII.
- d. An easement appurtenant shall be provided where individuals must cross private property for maintenance or repairs.

Sec. I. PR-1 Planned Residential District.

- (1) *Intent:* Planned development is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is designed to encourage coordinated development; to permit higher densities in conjunction with improved, commonly owned or controlled, functional, open space; to promote efficient use of land; to promote preservation and enhancement of existing natural landscape features; and to be developed in compliance with an approved development plan, as stipulated in Article VI.
- (2) *Permitted uses:* Detached dwelling units and accessory structures as well as recreation and service uses clearly incidental to residential occupancy.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

Sec. J. PR-2 Planned Residential District.

- (1) *Intent:* Planned development is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is designed to encourage coordinated development; to permit higher densities in conjunction with improved, commonly owned or controlled, functional open space; to promote efficient use of land; to promote preservation and enhancement of existing natural landscape features; and to be developed in compliance with an approved development plan, as stipulated in Article VI.
- (2) *Permitted uses:* Detached and attached dwelling units and accessory structures, as well as recreation and service uses clearly incidental to residential occupancy.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

Sec. K. C-1 Office Building District.

- (1) *Intent:* To provide areas for office and professional buildings, compatible with commercial and residential environments.

- (2) *Permitted uses:* Buildings used exclusively for office purposes, funeral homes, and government administrative facilities. Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use ten (10) percent of the floor area for retail and service uses such as restaurants, opticians, gift shops, barber and beauty shops, quick copy services, specialty shops, banks, and other commercial uses appropriate to the professional office environment.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Sign Regulations, Article VIII.

Sec. L. C-2 Neighborhood Shopping District.

- (1) *Intent:* To provide areas for retail and service establishments convenient to and compatible with the character of adjacent residential neighborhoods.
- (2) Permitted uses:
 - Appliance store
 - Art gallery
 - Art supply and frame shop
 - Auto parts store, no service, installation, or repair
 - Bank, neighborhood
 - Barber and beauty shops
 - Bicycle shops
 - Car wash
 - Card, book and gift shops
 - Clothing store
 - Convenience store
 - Dance studio
 - Day care center
 - Drug store
 - Duplicating service
 - Emergency/family health clinic
 - Florist
 - Gasoline service station
 - Grocery store
 - Hardware store

Jewelry store
Laundromat and retail dry cleaning establishment
Music store
Office building, less than five thousand (5,000) square feet floor area
Optician
Paint and wallpaper stores
Photographic studio
Plant shop and nurseries
Postal facility, neighborhood
Rent-all stores (no outside storage)
Repair shops for small appliances, bicycles, clocks, locks, musical instruments,
and similar establishments
Restaurant, except fast-food
Shoe store and repair
Sporting goods store
Tailor shop
Other neighborhood retail and service establishments

(3) Other regulations:

- a. District Development Criteria, Article V.
- b. Neighborhood shopping centers may be developed in the C-2 District, upon approval of a final development plan, by the planning commission, as required in Article VI.
- c. Off-Street Parking and Loading Regulations, Article VII.
- d. Sign Regulations, Article VIII.
- e. Containers for garbage and trash disposal shall be located at the rear of the business premises located on the subject property and shall not be located in a public right-of-way, street, alley or parking area.
- f. If any portion of any property zoned C-2 lies within one hundred fifty (150) feet of any tract or parcel of property that is zoned for residential use, containers for garbage and trash on that property, servicing businesses and improvements on the premises located within this district shall be enclosed in permanent structures, designed and constructed so as to completely screen and restrict the view of any containers or receptacles for garbage and trash disposals from any public right-of-way and the adjoining residential property.
- g. If any portion of any property zoned C-2 lies within one hundred fifty (150) feet of any tract or parcel of property that is zoned for residential use, the area

described above in paragraph (f) for containers for garbage and trash servicing within this district shall be paved with asphalt or concrete and accessible through a public right-of-way and shall be maintained so as to be free from any trash, debris or garbage at all times. Collection from the above identified containers or receptacles shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.

(Ord. No. 2192, § 1, 12-8-2003; Ord. No. 1793, § 1, 8-10-92)

Sec. M. C-3 Community Shopping District.

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

(2) *Permitted uses:* Uses permitted in the C-1 and C-2 districts, plus:

Vehicle accessory sales and service such as: Tire, muffler, brake, transmission, upholstery, express oil change, and other similar services in which all work is conducted entirely within an enclosed building.

Vehicle sales and service; all work must be conducted within an enclosed building.

Banks and other financial institutions

Bars, taverns, lounges and night clubs

Building material sales and home improvement centers--no outside storage visible from off the premises.

Business school

Department store

Fast food restaurant

Game room

Hotel and motel

Indoor sport facilities: bowling, health club, skating, racquet sports, and similar facilities.

Laundry and dry cleaner

Liquor store

Nursing store

Outdoor amusements and commercial recreation: carpet golf, par 3 golf, go-cart tracks, water slides, skate board courses, batting cages, and similar facilities.

Pet Shop

Post office

Private club

Public transit station, taxi stand

Sales showrooms for: appliances, carpet, furniture, home furnishings, medical and office equipment, pianos and organs, light fixtures, and similar uses.

Theaters, indoor and drive-in

Union hall

Veterinarian

Vocational school

Other retail establishments in accord with the intent of this district.

(3) Other regulations:

a. District Development Criteria, Article V.

b. Shopping centers may be developed in the C-3 District, upon approval of a development plan by the planning commission, as required in Article VI.

c. Off-Street Parking and Loading Regulations, Article VII.

d. Sign Regulations, Article VIII.

(Ord. No. 2192, § 2, 12-8-2003)

Sec. N. C-4 Central Business District.

(1) *Intent*: To provide flexibility in development criteria and land use within the Homewood central business district; to encourage greater densities, a variety of uses, and pedestrian circulation.

(2) *Permitted uses*: Uses permitted in the C-3 District, except:

Adult type Entertainment

Building material sales and home improvement centers

Car title loans

Drive-in theater

Game Room

Hotel and Motel

Outdoor amusements and commercial recreation

Pawn Shop

Payday, check cashing

Plant nursery

Vehicle and vehicle accessory sales and service, and

Outside kennels

(3) Other regulations:

a. District Development Criteria, Article V.

- b. Required Development Plans, Article VI.
- c. Shopping centers may be developed in the C-4 District upon approval of a development plan, by the planning commission, as required in Article VI.
- d. Off-Street Parking and Loading Regulations, Article VII.
- e. Sign Regulations, Article VIII.
- f. Containers for garbage and trash disposal shall not be located in a public right-of-way, street, alley or parking area.

(Ord. No. 2299, § 1, 6-23-2006)

Sec. O. C-4(a) Retail Shopping District.

- (1) *Intent:* To provide a compact area within the Central Business District, for retail trade and service establishments which are dependent upon pedestrian shoppers, continuous store frontage at street level, off premise parking, and unity of purpose.
- (2) Permitted uses:
 - Appliance stores
 - Auto parts store, no service, installation, or repair
 - Bank
 - Barber and beauty shops
 - Bicycle shops
 - Clothing store
 - Dance studio
 - Drug store
 - Duplicating service
 - Game room
 - Grocery store
 - Hardware
 - Liquor store
 - Office, located above the first story of the building
 - Optician
 - Paint and decorating center
 - Portrait studio
 - Post office
 - Repair shops for small appliances and similar services
 - Restaurant, except fast food

Shoe store and repair

Specialty shops such as: books, tobacco, stationary, gifts, cards, novelties, flowers, jewelry, sporting goods, pets, hobbies, toys, photo supplies, art supplies, music and video equipment

Tailor shop

Tavern

Variety store

Other retail and service establishments in accord with the intent of this district.

(3) Other regulations:

- a. District Development Criteria, Article V.
- b. Off-street parking is not required for permitted uses located on the street level story of a building. Floor area above the street level story shall provide off-street parking spaces as required for the C-4 District in the Off-Street Parking and Loading Regulations, Article VII.
- c. Sign Regulations, Article VIII.
- d. Containers for garbage and trash disposal shall not be located in a public right-of-way, street, alley nor parking area.

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

- (1) *Intent:* To permit areas for high rise buildings, and to require that high rise buildings be permitted only under conditions that insure: adequate light and air around buildings and on the streets; useable open space available to the public; and prevent excessive congestion on streets.
- (2) *Permitted uses:* uses permitted in the C-4(b) District shall be the same uses as permitted in the C-4(a) District, plus the following uses:
 - a. Office buildings
 - b. Health clubs and fitness centers located within an office building with total floor area greater than twenty thousand (20, 000) square feet.
 - c. Fast-food restaurant located in an office building with total floor area greater than twenty thousand (20,000) square feet.
- (3) *Other regulations.* Subsections A through H shall apply only if the subject building is to be constructed to a height greater than thirty- five (35) feet using the floor area ratio as the determinant of building height.
 - a. The maximum gross floor area of a building shall be two hundred (200) percent of the lot area; however, the gross floor area may be increased as stipulated by the following provisions. This ratio of building floor area to lot area shall determine the permitted height of all buildings.
 - b. For every five (5) percent of lot area developed and maintained as permanent open space at grade, the maximum gross floor area of the building may be

increased by an amount equal to fifty (50) percent of said permanent open space area, provided that such open space is not located within the proposed right-of-way of any street.

- c. Each time the maximum horizontal area occupied by that portion of a building above the second story level is reduced by five (5) percent of lot area, the maximum gross floor area of the building may be increased by an amount equal to fifty (50) percent of lot area.
- d. If that portion of a building above the second-story level sets back from its front street line an average distance not less than two (2) feet for each additional story in height, the maximum gross floor area may be increased by an amount equal to one hundred fifty (150) percent of lot area.
- e. If that portion of a building above the second story level sets back from any interior side lot line by a distance not less than eight-tenths foot for each additional story in height or fifteen (15) feet, whichever is greater, the maximum gross floor area may be increased by an amount equal to fifty (50) percent of lot area.
- f. If that portion of a building above the second story level sets back from any side street by an average distance not less than one and one-half (1.5) feet for each additional story in height, the maximum gross floor area may be increased by an amount equal to one hundred fifty (150) percent of lot area.
- g. If a building sets back from any street line by a distance equal to proposed right-of-way widening of such street, gross floor area may be increased by an amount equal to four (4) times the lot area contained in the proposed right-of-way widening.
- h. If a building contains an arcade or atrium with open floor space designed, furnished, and intended to be accessible by, and provided for the convenience of the general public during business hours, then for each square foot of non-leasable floor space in such arcade or atrium, the maximum gross floor area of the building may be increased by six (6) square feet.
- i. District development criteria, Article V.C-4(a) quantitative development criteria shall apply unless the proposed building exceeds thirty-five (35) feet in height, using the floor area ratio as the determinant of building height.
- j. Off-street parking and loading regulations, Article VII.
- k. Sign regulations, Article VIII.

(Ord. No. 1641, § 4, 2-8-88)

Sec. Q. C-5 General Business District.

- (1) *Intent*: To provide areas for the conduct of wholesale trade, warehousing, light fabrication, repair and storage uses, in a manner which minimizes the negative impact of such uses off the premises.
- (2) *Permitted uses*: Uses permitted in the C-3 District, plus:

Armory

Light manufacturing, wholesale supply, and service facilities which are conducted entirely within an enclosed building.

Mini-warehouse

Office-warehouse

Printing and publication facilities

Research facilities

Testing labs

Warehouse

(3) Other regulations:

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

Sec. R. I-1 Institution District.

- (1) *Intent:* To provide areas for those public and other uses which are neither residential, commercial, nor industrial in nature. Institution developments on sites of three (3) acres or more, or featuring more than one (1) building on a lot or parcel, shall be developed in accord with an approved development plan as stipulated in Article VI.

(2) Permitted uses:

Botanical gardens

Cemetery

Fire station

Golf course

Library

Museum

Park

Playground

Police station

(3) Other regulations:

- a. District Development Criteria, Article V.
- b. Required Development Plans, Article VI.
- c. Off-Street Parking and Loading Regulations, Article VII.
- d. Sign Regulations, Article VIII.

Sec. S. I-2 Institution District.

- (1) *Intent:* To provide areas for those public and other uses which are neither residential, commercial, nor industrial in nature. Institution developments on sites of three (3) acres or more, or featuring more than one (1) building on a lot or parcel, shall be developed in accord with an approved development plan as stipulated in Article VI.
- (2) Permitted uses:
 - Armory
 - Auditorium
 - City hall
 - Community center
 - Municipal jail
 - Religious institution
 - Schools, primary and secondary
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

Sec. T. I-3 Institution District.

- (1) *Intent:* To provide areas for those public and other uses which are neither residential, commercial, nor industrial in nature. Institution developments on sites of three (3) acres or more, or featuring more than one (1) building on a lot or parcel, shall be developed in accord with an approved development plan as stipulated in Article VI.
- (2) Permitted uses:
 - Athletic Fields
 - College—University
 - Coliseum
 - Medical center complex

Hospital
Stadium
Vocational school

- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

(Ord. No. 2274, § 1, 11-28-2005)

Sec. U. PCD-1 Planned Office District.

- (1) *Intent*: Planned development is a method of development which permits a tract of land to be developed as one (1) lot, rather than separate lots. The technique is designed to encourage coordinated development, to permit higher densities in conjunction with functional open space; to promote efficient use of land, to promote preservation and enhancement of existing natural landscape features, and to be developed in compliance with an approved development plan, as stipulated in Article VI.
- (2) *Permitted uses*: Buildings used exclusively for office purposes, funeral homes and government administrative facilities. Office buildings in excess of two thousand five hundred (2,500) square feet of floor area may use up to ten (10) percent of the floor area for retail and service uses such as restaurants, banks, specialty shops, health and exercise clubs, and other commercial uses appropriate to the professional office environment.
- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

Sec. V. PCD-2 Planned Commercial District.

- (1) *Intent*: Planned development is a method of development which permits a tract of land to be developed as one (1) lot, rather than separate lots. The technique is designed to encourage coordinated development, to permit higher densities in conjunction with functional open space, to promote efficient use of land, to promote preservation and enhancement of existing natural landscape features, and to be developed in compliance with an approved development plan, as stipulated in Article VI.
- (2) *Permitted uses*: All permitted uses listed in the C-3 District.

- (3) Other regulations:
 - a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

Sec. W. M-1 Light Manufacturing District.

- (1) *Intent:* To provide areas for large warehousing and light manufacturing activities which do not cause a nuisance or constitute a hazard beyond the site. Industrial parks or subdivisions may be developed in the M-1 District upon approval of a development plan, by the planning commission, as required in Article VI.
- (2) *Permitted uses:* All C-5 permitted uses, plus:
 - Bakery
 - Bottling plant
 - Building contractor yard
 - Collection and processing of recycled household materials
 - Food processing
 - Heavy equipment sales and service
 - Ice plant
 - Laundry plant
 - Mini-warehouse
 - Sanitary landfill
 - Sign manufacture
 - Tank farms and fuel distribution facilities
 - Tire recapping
 - Truck terminal
 - Utility service and installation yards
 - Utility sub-stations, pumping stations, storage tanks, broadcasting and receiving towers, and switching stations.
 - Welding and metal fabrication
 - Other light industrial, fabricating, processing, assembling and manufacturing uses which are not detrimental to property or to health and safety beyond the district, by reason of the emission of odor, gas, dust, fumes, smoke, noise, vibration or waste material.
- (3) Prohibited uses:

Toxic or hazardous waste storage, processing, handling, or distribution.
Slaughter houses and tanneries
Glue factories
Rendering plants
Fertilizer plants
Junk yards
Paper and pulpwood plants
Iron and steel mills
Mining or quarry operations
Plants for processing stone, chert, gravel, cement, asphalt, clay, coal or iron ore

- (4) Other regulations:
- a. District Development Criteria, Article V.
 - b. Required Development Plans, Article VI.
 - c. Off-Street Parking and Loading Regulations, Article VII.
 - d. Sign Regulations, Article VIII.

Sec. X. PI Planned Industrial District.

- (1) *Intent:* To provide areas for research, testing, and other light manufacturing establishments; set in a low density suburban environment; compatible with the surrounding area and characterized by a low percentage of developed lot area; and featuring landscaping and improved open space.
- (2) *Permitted uses:* Uses permitted in the PCD-1 District, plus:
Testing laboratories
Research facilities
Light manufacturing activities which are conducted entirely within an enclosed building, and have no negative impact on surrounding property.
- (3) Other regulations:
- a. No outside storage or equipment handling.
 - b. Loading areas shall be screened from view.
 - c. District Development Criteria, Article V.
 - d. Required Development Plans, Article VI.
 - e. Off-Street Parking and Loading Regulations, Article VII.
 - f. Sign Regulations, Article VIII.

Sec. Y. PMUD Planned Mixed Use District.

- (1) *Intent:* To provide areas for a variety of land uses, set in a medium density suburban environment with improved open space.
- (2) Permitted uses:
 - a. Attached and detached dwellings.
 - b. Office and institution uses.
 - c. Retail and service uses, except: vehicle sales, service and rental; drive-in theater, outdoor amusements and commercial recreation, retail and service uses which store materials or equipment outside of a building, and hotels and motels.
 - d. Testing laboratories, research facilities and light manufacturing activities which are conducted entirely within an enclosed building and have no negative impact on surrounding property.
- (3) Other regulations:
 - a. District Development Criteria
 1. Minimum land area shall be fifty (50) acres.
 2. No structures within fifty (50) feet of a PMUD boundary or thirty-five (35) feet of a land use boundary as described on a Final Development Plan. Setbacks for detached residential structures shall be determined by development plan.
 3. Maximum area of ground coverage by buildings and parking shall be seventy-five (75) percent for each lot or parcel.
 4. There shall be no maximum height for buildings. The gross floor area of a building or buildings, shall not exceed two hundred (200) percent of the area of the lot or parcel on which the building is located. The maximum permitted floor area for each lot and parcel of land shall be noted on the development plan when presented to the city for final development plan review.
 - b. District Development Criteria, Article V.
 - c. Required Development Plans, Article VI.
 - d. Off-Street Parking Regulations, Article VII.
 - e. Sign Regulations, Article VIII.

(Ord. No. 2001, § 4, 11-23-98)

Sec. Z. MXD Mixed Use District.

- (1) *Intent:* The Mixed Use District is intended to combine commercial, institution, public and residential uses within a unified development concept that is diverse, compact and pedestrian oriented; with attributes sufficient to justify the

application of a land use and development plan that may not comply in certain respects with other requirements of this Zoning Ordinance.

(2) Permitted uses:

Antique stores

Appliance stores

Art supply stores

Arts and crafts stores

Auditoriums

Auto parts stores, no service, installation or repair

Bakeries

Banks

Barber shops

Beauty shops

Bicycle shops

Book stores

Bridal shops

Business and professional offices

Card shops

City hall

Clothing stores

Community centers

Computer stores

Condominium dwelling units

Dance studios

Delicatessens

Drug stores

Duplicating services

Electronics stores

Fire stations

Florist shops

Furniture stores

Game rooms

Garden shops

Gift shops
Grocery stores
Hardware stores
Hobby shops
Ice cream-parlors
Interior design shops
Jewelry stores
Libraries
Liquor stores
Municipal jails
Museums
Music stores
Novelty stores
Opticians
Paint and decorating stores
Parks
Personal fitness trainers
Pet stores
Photo supply and developing stores
Physical therapists
Playgrounds
Police stations
Portrait studios
Post offices
Religious institutions
Repair shops for small appliances and similar services
Restaurants, except fast food
Schools
Shoe repair shops
Shoe stores
Sporting goods stores
Stationary stores
Tailor Shop

Tobacco shops

Toy stores

Travel agents

Other retail establishments in accordance with the intent of the District

Accessory uses, buildings and structures customarily incidental to the uses specifically permitted in this section.

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

a. Development Plan.

1. Size, area, boundary lines, dimensions and street frontage of the subject property;
2. Location of proposed land uses
3. Location of parking areas and means of vehicular ingress and egress
4. The location and size of any public or common open space;
5. Location and dimensions of service yards;
6. Location, height, other dimensions and floor area of buildings;
7. Sidewalks, landscaping, exterior lighting, signs, fire hydrants and storm drainage facilities;
8. Outside appearance and exterior finishes of buildings;
9. The distance between each building, and the front, rear and side building setbacks;
10. The percentage of the parcel devoted to each proposed use;
11. Building height and number of floors in each building;
12. The number of parking spaces and dimensions of all parking areas
13. Parking, driveway and sidewalk paving materials

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

c. Additional items and information.

1. A current survey and legal description of the subject property, prepared by a surveyor licensed as a surveyor by the State of Alabama;

2. The proposed density of land use for the subject property with tabulations by acreage and the percentage of the property to be occupied by each use;
 3. A copy of any covenants or restrictions to which the property is subject;
 4. A copy of any proposed covenants or restrictions which will be imposed upon the property or any improvements thereon;
 5. A development schedule indicating the approximate commencement and completion dates of the development, and any phases thereof if the development is to be developed in phases;
 6. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer. (When required by the City);
 7. A fire protection plan, approved by the Homewood Fire Department, indicating the location of all proposed fire hydrants and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system design approved pursuant to the fire prevention code as currently adopted by the City of Homewood.
 8. Proposed sign regulations.
- (4) The city council may: (a) Approve the development plan, which approval would be evidenced by the signature of the president of the city council; (b) Disapprove the development plan; (c) Make suggestions for revisions to the development plan and, with the approval of the applicant, continue its consideration of the development plan to a future meeting of the city council; or (d) Approve the development plan subject to the applicant making certain specified minor revisions, which revisions would be subject to the approval of the zoning officer, and if such revisions are approved by the zoning officer the approval of the development plan would be final upon it being signed by the president of the city council. An application for rezoning to the Mixed Use District may be denied by the city council based upon anyone (1) or more of the items of information included in the development plan or any supplemental materials.
 - (5) Property which is the subject of an approved Mixed Use District zoning application shall be developed in compliance with the development plan and additional items and information approved by the city as part of the Mixed Use District zoning process.
 - (6) An approved development plan may be amended by the City, provided the procedure specified in Subsection (3) of this Section for Mixed Use District zoning is followed.
 - (7) Minor changes in the location, siting, elevation, or character of buildings and structures shown on the final development plan may be authorized by the zoning administrator. No change authorized by the zoning administrator under this

section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the zoning administrator may not permit changes beyond the minimum or maximum requirements set forth in the Mixed Use District zoning approval.

- (8) *Other Regulations:* District Development Criteria (Article V), Required Development Plans (Article VI) and Off-street Parking and Loading Regulations (Article VII) shall not apply to a Mixed Use District. Such development standards shall be established for each Mixed Use Development as part of the development plan review process as required in Subsection (3) of this Section.
 - a. Refuse and garbage service yards. Each building erected in a Mixed Use District shall be provided with a separate service yard for the storage of garbage and trash; provided, that a service yard may serve more than one (1) building if such arrangement is part of the development plan approved by the city council. Each service yard shall be located so as to be conveniently accessible by vehicles collecting such refuse and to occupants of the building or buildings served by such yard. Each service yard shall be paved with asphalt or concrete and shall be enclosed with an opaque wall or fence of permanent construction least six (6) feet in height, and designed and constructed so as to conceal such storage area from visibility from outside such wall or fence. Each entrance to the service yard shall be screened with a gate constructed of an opaque material, which gate must be at least six (6) feet, but not more than eight (8) feet in height.
 - b. Exterior lighting. If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel of land. No lighting fixtures used for any parking area shall be elevated more than fourteen (14) feet above the ground. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.
 - c. Fire protection. Each development plan shall provide information sufficient to show compliance with the applicable fire protection codes adopted by the city.

(Ord. No. 2200, § 1, 5-10-2004)

Sec. AA. Edgewood Urban Renewal District (“EURD”).

- (1) *Intent:* To facilitate the maintenance, revitalization and redevelopment of the Edgewood Business District by requiring mixed use projects that feature a combination of residential, commercial and institutional uses in a pedestrian oriented, neighborhood environment.
- (2) *Permitted uses:* Uses permitted in the C-1 and C-2 districts, plus:
 - Bank
 - Condominium Dwelling Units

Church
Department store
Hotel and motel
Laundry and dry cleaners
Pet shop, no outside business
Post office
Public Park and recreation facilities
Public safety facilities
Public transit station, taxi stand
School
Other retail and service establishments in accord with the intent of this district

- (3) Other regulations:
- a. District Development Criteria, Article V.
 - b. Off-Street Parking and Loading Regulations, Article VII.
 - c. Containers for garbage and trash disposal shall be located at the rear of the business premises and shall not be located in a public right-of-way, street, alley or parking area. The containers shall be enclosed in a permanent structure, designed and constructed to screen their view from any public right-of-way and from residential property. Such areas shall be maintained so as to be free from any trash, debris or garbage at all times. Collection from the above containers shall not be permitted between the hours of 8:00 p.m. and 6:00 a.m.
 - d. Each structure shall have a minimum roof pitch of 5:12
 - e. On-street parking and public parking may be used to satisfy the off-street parking requirements of Article VII. All dwelling units shall have dedicated off-street parking spaces.

(Ord. No. 2202 § 1, 5-10-2004; Ord. No. 2294 § 1, 5-22-2006)

Sec. BB. Greensprings Urban Renewal District (“GURD”).

- (1) *Intent:* To encourage the maintenance, revitalization and redevelopment of the Greensprings corridor by encouraging a variety of commercial and institutional uses within a community shopping environment that reduces land use conflicts and improves the appearance of the corridor.
- (2) *Permitted uses:* Uses permitted in the C-1, plus:
 - Appliance store
 - Art gallery
 - Art supply and frame shop

Auto parts store (no service, installation, or repair)
Bank
Barber and beauty shops
Bicycle shops
Building material sales and home improvement centers (no outside storage visible from off the premises)
Business school
Card, book, and gift shops
Church
Clothing store
Convenience store
Dance studio
Day care center
Department store
Drug store
Duplicating service
Emergency/family health clinic
Fast food restaurant
Florist
Game room
Gasoline service station
Grocery store
Hardware store
Hotel and motel
Indoor sport facilities: bowling, health club, skating, racquet sports, and similar facilities
Jewelry store
Laundromat and retail dry cleaning establishment
Music store
Optician
Paint and wallpaper stores
Pet shop (no outside business)
Photographic studio

Plant shop and nurseries

Postal facility

Public safety facilities

Public transit station, taxi stand

Rent-all stores (no outside storage)

Repair shops for small appliances, bicycles, clocks, locks, musical instruments, and similar establishments (no outside storage)

Restaurants

Sales showrooms for: appliances, carpet, furniture, home furnishings, medical and office equipment, pianos and organs, light fixtures and similar uses (no outside storage)

School

Shoe store and repair

Sporting goods store

Tailor shop

Theaters, indoor

Vocational schools

Other retail and service establishments in accord with the intent of this district, but not to include any unattended free standing businesses

(Ord. No. 2354, § 1, 6-23-2008)

(3) Other regulations:

- a. District Development Criteria, Article V.
- b. Shopping centers may be developed in the Greensprings Urban Renewal District, upon approval of a final development plan by the planning commission, as required in Article VI.
- c. Off-Street Parking and Loading Regulations, Article VII.
- d. Containers for garbage and trash disposal shall be located at the rear of the business premises and shall not be located in a public right-of-way, street, alley or parking area. The containers shall be enclosed in a permanent structure, designed and constructed to screen their view from any public right-of-way and from residential property. Such areas shall be maintained so as to be free from any trash, debris or garbage at all times.

(Ord. No. 2203 § 1, 5-10-2004)

Sec. CC. Brookwood Overlay District (BOD)

- (1) *Intent:* The intent of the Brookwood Overlay District (BOD) is to establish height regulations for structures that reflect the current development pattern of the district, while protecting adjacent residential neighborhoods.
- (2) *Method:* The Brookwood Overlay District (BOD) is depicted on City of Homewood Zoning Map. The requirements of the underlying zoning districts shall apply to the development of property in the BOD, Except that the height regulations set out herein shall replace the Maximum Height of Structure requirement in Table 1 of Article V and shall be controlling for Development within in the BOD.
- (3) *Height Regulations:*
 - a. Land disturbance is prohibited within fifty (50) feet of the corporate boundaries of the City of Homewood.
 - b. When any portion of a structure, alteration or attachment thereto is located less that three hundred (300) feet from the corporate boundaries of the City of Homewood, said structure, alteration or attachment thereto shall be set back at least three and one half (3 ½) feet from the corporate boundaries of the city of Homewood for each one (1) foot of structure height.
 - c. When any portion of an alteration to a structure or group of attached structures, is located three hundred (300) feet or more from the corporate boundaries of the City of Homewood, aid alteration shall not extend above the elevation of the highest point of the structure or group of attached structures being altered.
 - d. When a structure is attached to an existing structure or group of attached structures, including but not limited to attachment by means of pedestrian or vehicle access structures; said attachment shall not extend above the elevations of the highest point of the structure or group of attached structures, to which it is attached, when any portion of the attachment is located three hundred (300) feet or more from the corporate boundaries of the City of Homewood.
 - e. When any portion of a detached structure is located three (300) feet or more from the corporate boundaries of the City of Homewood, said structure shall not exceed ninety-six (96) feet in height.

(Ord. 2365, § 1, 7-28-2008)

ARTICLE V. DISTRICT DEVELOPMENT CRITERIA

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

Sec. A. Quantitative development criteria.

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

Sec. B. General setback modifications.

- (1) The entire lot area within the required minimum distance from property line to building line shall be open to the sky (except for landscaping) unobstructed by any accessory structure or part thereof, and unoccupied for storage, servicing or similar, use except as provided herein.
- (2) Sills, belt courses or ornamental features may project beyond the building line not more than six (6) inches.
- (3) Cornices or eaves may project beyond the building line not more than eighteen (18) inches.
- (4) Decks and other un-roofed habitable structures, or ornamental features which do not extend more than five (5) feet above grade may project beyond the rear or side building lines, provided such projections be not closer than five (5) feet to a lot line.

Sec. C. Front setback modifications.

- (1) In residential districts, no building need be set back more than the average of the setbacks of the existing dwellings on the same side of the street, within one hundred (100) feet each side thereof.

Sec. D. Accessory structures.

- (1) Accessory structures shall include but not be limited to: storage and other buildings, swimming pools, parabolic or dish antennas, detached garages and carports.
- (2) Accessory structures shall not occupy more than thirty (30) percent of the required rear yard space.
- (3) A garage or carport may be located in a side yard but must meet the side setbacks applied to the house.
- (4) Rear yard accessory structures shall not be closer than five (5) feet to any side or rear lot line.

- (5) Rear year accessory structures of two or more floor levels and exceeding 750 total square feet shall not be closer than ten (10) feet to any side or rear lot line.

(Ord. No. 2305 § 1, 9-18-2006)

Sec. E. Visibility.

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

Sec. F. Lighting and glare.

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

Sec. G. Buffer strip.

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

- (1) Attached dwelling units in the R-5 or R-6 district, when adjacent to an existing detached dwelling unit or district; and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (as defined in Article II), along said property line or district boundary.
- (2) All uses permitted in the Institution, Commercial and Business and Urban Renewal districts, when adjacent to an existing residence or residential district, and not separated there from by a street or alley, shall provide and maintain in healthy growing condition, a buffer strip (as defined in Article II) along said property line or district boundary.
- (3) All uses permitted in the M-1 Light Manufacturing District, when adjacent to any district other than M-1, or any use other than those permitted in the M-1 District, and not separated therefrom by a street, shall provide and maintain in healthy growing condition, a buffer strip (as defined in Article II) along said property line or district boundary.
- (4) Where the view from the adjoining district is blocked by a change in grade or other natural feature, a greenbelt may not be required. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, the Board of Adjustment may approve a substitute buffer.
- (5) Buffer strips (as defined in Article II) required in the Mixed Use District shall be determined as part of the development plan review as required in the Mixed Use District zoning process.

(Ord. No. 2259, § 1, 07-25-2005)

Sec. H. Storage and dispensing of combustible and flammable liquids other than for sale.

Above ground storage: Outside above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is prohibited within the city, except for use by municipal emergency vehicles. Temporary use of moveable tanks in conjunction with the dispensing of such liquids into the fuel tanks of motorized equipment on premises not normally accessible to the public is permitted only after written approval for such uses has been obtained from the Homewood Fire Department. Inside above ground storage of gasoline, diesel fuel, kerosene and other hazardous liquids is permitted only after written approval is obtained from the Homewood Fire Department and must meet current NFPA standards.

Below ground storage: The below ground storage and/or dispensing of gasoline, diesel fuel, kerosene, and other hazardous liquids is prohibited in residential zones, except for use by municipal emergency vehicles. Such storage of hazardous liquids, other than for sale, is permitted in nonresidential zones, upon written approval of the Homewood Fire Department and must meet current NFPA standards.

(Ord. No. 1928, § 1, 1-27-97)

**TABLE 1
QUANTITATIVE DEVELOPMENT CRITERIA**

District	Minimum Lot Area	Minimum Lot Width At Front Building Line	Minimum Distance From Property Line To Building Line			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Area of Ground Coverage (Bldg)	
			Front	Rear	Ea. Side				
R-1	15,000 sq. ft.	80'	35'	35'	15'	35'	1,400 sq. ft.	--	
R-2	10,000 sq. ft.	70'	30'	30'	10'	35'	1,200 sq. ft.	--	
R-3	7,500 sq. ft.	60'	30'	30'	10'	35'	1,000 sq. ft.	--	
R-4	6,000 sq. ft.	50'	25'	25'	8'	35'	900 sq. ft.	--	
R-5	8,000 sq. ft. plus 2,500 sq. ft. per unit	65' plus 5' per unit	35'	35'	15' ¹	35'	700 sq. ft.	35%	
R-6	Min. site of 5 acres is required. Height and density requirements shall be determined by development plan								
R-7	3,100 sq. ft.	24'	24'	40'	0 ²	35'	1,200 sq. ft.	--	
PRD-1	Minimum site of 2 acres is required					40'	--	25%	
PRD-2	Review and minimum site of 5 acres is required					Height and density of structures shall be determined by development plan		--	35%
C-1	--	--	25'	20'	15'	35' ⁹	--	--	
C-2	--	--	0'	20'	0 ³	35' ⁹	--	--	
C-3	10,000 sq. ft.	--	35'	20'	0 ³	45'	--	--	
C-4	6,000 sq. ft.	--	--	20'	0 ³	35'	--	--	
C-4(a)	1,500 sq. ft.	25'	--	15'	--	35'	--	--	
C-4(b)	50,000 sq. ft.	150'	--	--	--	Floor/area ratio	--	--	
C-5	10,000 sq. ft.	75'	20'	20'	0 ⁴	35'	--	--	
I-1, I-2	--	75'	-- ⁵	-- ⁵	-- ⁵	35' ⁵	--	--	
I-3	--	75'	-- ⁵	-- ⁵	-- ⁵	35' ^{6,9}	--	--	

District	Minimum Lot Area	Minimum Lot Width At Front Building Line	Minimum Distance From Property Line To Building Line			Maximum Height of Structure	Minimum Living Area of Dwelling Unit	Maximum Area of Ground Coverage (Bldg)
			Front	Rear	Ea. Side			
PCD-1 and PCD-2	5 acres	100'	No structures located within 20' of a public street, or property line nor 15' from a district boundary. Permitted height of structures to be determined as part of development plan				--	50%
M-1	3 acres	100'	35'	35'	20'	45'	--	--
PI	10 acres	200'	No structure located within 40' of a public street or property line, nor 50' from a district boundary. Permitted height of structures to be determined as part of development plan				--	50%
PMUD	50 acres	--	(Determined by development plan)				--	--
MXD			(Determined by development plan)					
GURD	10,000 sq. ft.	--	35'	20'	0 ³	45'	--	--
EURD	--	--	5 ^{7&1}	35'	0 ¹	35 ⁸	700 sq. ft.	

¹No closer than 35' where adjacent to a detached dwelling district boundary

²No closer than 12' from the district boundary

³No closer than 15' when adjacent to a residential district boundary

⁴No closer than 25' from a public street, nor 15 feet from the district boundary

⁵No closer than 15' from the district boundary

⁶Athletic Fields – maximum height of light pole structures and light poles must be erected in such a location as to allow for a fall zone of 125% of the light pole height between the location of the pole and any dwelling.

⁷Maximum building setback

⁸No structure shall be more than two (2) stories

⁹Maximum height of structures in the Brookwood Overlay District shall be determined by the requirements of Article IV, Section CC “Brookwood Overlay District”

(Ord. 2312, § 1, 12-4-2006; Ord. 2275, § 1, 11-28-2005; Ord. No. 2201, § 1, 5-10-2004; Ord. No. 2001, § 5, 11-23-98; Ord. 2366, § 1, 7-28-2008)

ARTICLE VI. REQUIRED DEVELOPMENT PLAN

Sec. A. Intent.

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

Sec. B. Required development plan.

- (1) Approval of a preliminary development plan is required prior to zoning of property to the R-6 Residential District; the planned districts; institution district developments on sites of three (3) acres or more, or featuring more than one (1) building; proposed buildings with height determined by the floor area ratio method.
- (2) Approval of a final development plan is required prior to issuance of a building permit for all developments requiring a preliminary development plan, as well as: shopping centers, industrial park, office parks.

Sec. C. Preliminary development plan.

- (1) A person or firm applying for a zoning amendment to establish a district stipulated in subsection (1) of section B of this article shall submit a preliminary development plan to the planning commission, consisting of:
 - a. A site plan showing:
 1. The direction of north, appropriate scale and topography.
 2. The location of subject property in relation to the vicinity.
 3. The use of property adjacent to the site.
 4. The proposed use of land and density of development for the site.
 5. Proposed access to, and traffic circulation within, the site.
 - b. A proposed development schedule for the project.
 - c. The development shall be located in an area for which public facilities and services are available and adequate for the uses proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the preliminary development plan.
 - d. High rise structures have a propensity to obstruct visibility, obscure significant landmarks and features, deprive adjacent areas of natural ventilation and sunlight, and dramatically change the character of an area or city. Therefore, the planning commission shall consider as a minimum, the following factors when reviewing a development plan for high rise structures:

1. Compatibility of the proposed development with the area or neighborhood in which it is proposed.
 2. Capability of the area to accommodate a high density development in terms of: vehicular and pedestrian traffic, proximity to public transportation, storm drainage, and safe and efficient access to the site.
 3. Proposed developments featuring high rise structures shall concentrate all proposed improvements, using a minimum amount of the site.
- (2) The planning commission and city council shall review and dispose of the proposed zoning amendment or any amendment to an approved preliminary development plan, in accord with procedures set forth in Title 11, Chapter 52, Article 4 of the Code of Alabama 1975, as amended.

Sec. D. Final development plan.

- (1) Prior to removal of natural vegetation, restructuring of the land, or construction of any improvements, an approved final development plan is required for all developments stipulated in subsection (2) of section 2 of this article. A plan shall be submitted to the planning commission, which is consistent with the preliminary development plan, and containing:
- a. A site plan showing:
 1. The direction of north, appropriate scale and topography in not greater than five (5) foot contour intervals.
 2. The proposed location and height of all structures.
 3. The use of all structures and land.
 4. The location and use of structures adjacent to the site.
 5. The location, area and number of parking spaces and maneuvering areas.
 6. The location and dimensions of streets, driveways and walks on and off the site.
 7. All service and loading spaces.
 8. The location, size, number and character of all exterior signs and lighting.
 9. The location, character and extent of existing vegetation, landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
 10. The facilities for surface drainage of the premises.
 11. Location and character of all public improvements including utilities.
 - b. The public improvements included in the final development plan shall be consistent with the Homewood Subdivision Regulations.
 - c. A copy of any deed restrictions to be recorded.

- d. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer. (When required by the planning commission).
 - e. A development schedule indicating the approximate date when construction of the development or stages thereof can be expected to begin.
 - f. Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity.
 - g. A fire protection plan, approved by the Homewood Fire Department, indicating the location of all proposed fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system designed and approved pursuant to the fire prevention code as currently adopted by the City of Homewood.
- (2) Final development plans for Planned Development Districts shall conform to the following additional criteria:
- a. The applicant shall provide for and establish an organization or other legal entity for the control and maintenance of any common areas designated on the final development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of final development plans and subject to approval by the city council.
 - b. Improved, commonly owned or controlled, functional open space shall be required for planned developments, any portion of which features densities deemed by the planning commission, to be in excess of that which is appropriate for the site. The appropriate density for any site shall be determined by: the developed density of the surrounding area, the density permitted in the zone district in which the proposed use is a permitted use, and other factors deemed appropriate by the planning commission.
 - c. Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development and to minimize any adverse effects on neighboring districts.
 - d. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the extent possible.
 - e. At least fifty (50) percent of area remaining after the development of buildings, parking, rights-of-way, and utility or drainage easements, shall be developed to serve the needs of the residents of the development; including but not limited to landscaping, patios, walks, play areas, recreation and other uses consistent with the character of the planned development.
 - f. Buffers and building setbacks shall recognize and honor existing adjacent land development. All structures shall be situated so as to conform to the National Fire Code, "Standard 80A, Protection of Buildings from External Exposure Fires," as amended or supplemented.

- g. Adequate screening and separation between different land uses shall be provided by means of buffers or other acceptable methods.
- h. Vehicular access to the planned development shall be from streets capable of supporting existing and projected traffic. No streets or roads within the planned development shall connect to the public street system in such a way to encourage use of minor streets for through streets.
- i. The planned development shall include provisions for safe and convenient pedestrian access and circulation.

Sec. E. Final development plan review.

- (1) Upon receipt of an applicant's final development plan, the planning commission shall transmit a copy of the plan to the city engineer and such agencies as the planning commission may deem appropriate for their review, report, and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the plan and documentation, furnish to the planning commission a report pertinent to their respective jurisdiction and concerns.
- (2) The planning commission shall review the applicant's final development plan and within ninety (90) days following the applicant's submission of the plan to the planning commission, the planning commission shall approve or disapprove the plan. If disapproved, the planning commission shall also prepare a written report stating clearly the reasons and justification therefore, and identify what changes are necessary in order for the plan to be approved. Such written disapproval shall be transmitted to the applicant.
- (3) When the final development plan has been approved by the planning commission, the planning commission shall so certify on the record copy of the approved final development plan. The certified copy of the approved final development plan shall be retained in the records of the planning commission.
- (4) The approved final development plan is not a subdivision plat. The city's subdivision regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.

Sec. F. Amending final development plan.

- (1) The final development plan may be amended by the planning commission, provided the procedure specified in section E for review and approval is followed.
- (2) Minor changes in the location, siting, elevation, or character of buildings and structures as shown on the final development plan may be authorized by the zoning administrator. No change authorized by the zoning administrator under this section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the zoning administrator may not permit changes beyond the minimum or maximum requirements set forth in this ordinance. All other changes in the final development plan, including changes in the site plan and in the development

schedule, must be made under the procedures that are applicable to the initial approval of a final development plan.

ARTICLE VII. OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. A.

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

Sec. B.

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

Sec. C.

The number of parking spaces required for uses in the various districts is set forth in this article. In the case of mixed or joint uses, parking spaces required shall equal the sum of the requirements of the uses computed separately.

Sec. D.

Required off-street parking may be provided either on the same lot or another lot, provided the parking area is not separated from the use which it serves by more than one hundred fifty (150) feet, measured along the proposed pedestrian access route.

Sec. E.

Off-street parking for any use, shall be located in a district in which the use which it serves is a permitted use.

Sec. F.

Up to fifty (50) percent of the parking spaces required for: a. public auditoriums, bowling alleys, night clubs, or churches may be provided and used jointly by b. offices, retail stores, service establishments and similar uses not open, used or operated during the same hours as those listed in "a" provided, however, that written agreement thereto is properly executed and filed.

Sec. G.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly

drawn and executed by the parties concerned, approved as to form by the city attorney and shall be filed with the application for a building permit, and shall be in full force and effect until released by resolution of the board of adjustment.

Sec. H.

Where off-street parking is located on a lot other than the lot occupied by the use which requires it, site plan approval for both lots is required. The proposed development shall provide safe and efficient pedestrian ways between and within the lots.

Sec. I.

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

Sec. J.

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

Sec. K.

No off-street parking spaces, except for detached dwelling unit districts, shall be entered or exited directly from a public street or alley.

Sec. L.

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

Sec. M.

Required parking spaces for individual uses:

<i>Residential Uses</i>	<i>Number</i>
Detached dwelling	2 per unit
Attached dwelling unit	2 per unit
<i>Institutional Uses</i>	<i>Number</i>
Auditorium	1 per 3 seats
Botanical gardens	10 per acre
Business-vocational school	1 per 50 sq. ft. of classroom
Church	1 per 5 seats of main assembly area
College-university	1 per 50 sq. ft. of classroom
Community center, YMCA, YWCA	1 per 300 sq. ft.
Dormitory	2 per 3 occupants
Exhibition Hall	1 per 150 sq. ft.
Fire station	6 spaces
Golf and country clubs	7 spaces per hole, or 1 space per 3 members
Government offices	1 per 250 sq. ft.
Hospital	1 per 3 beds
Library	1 per 800 sq. ft.
Museum, art gallery	1 per 800 sq. ft.
Nursing home	1 per 6 beds
Police station	1 per 250 sq. ft.
Post office	1 per 250 sq. ft.
Private clubs and lodges	1 per 200 sq. ft.
Stadium, arena, coliseum	1 per 3 seats
Elementary and middle schools	1 per 8 auditorium seats plus 1 per 3 employees
High schools	1 per 6 auditorium seats plus 1 per 2 employees
Zoo	10 per acre
<i>Amusements and Recreation</i>	<i>Number</i>
Bowling alley	2 per lane
Carpet golf	2 per hole
Drive-in theater	1 per 5 viewing stations
Game room	1 per 100 sq. ft.
Golf driving range	2 per tee
Health and athletic club	1 per 300 sq. ft.
Movie theater	1 per 3 seats

Retail Commercial and Services¹	Number of Spaces per 1,000 sq. ft. of Floor Area								
	C1	C2	C3	C4 & C4(b)	C5	PCD-1	PCD-2	M-1 & P-1	PMUD
Retail establishments such as: Art supply and frame, book store, florist, card shop, pet shop, sporting goods, gift shop, shoe store, paint store, jewelry store, apparel sales, hardware store, drug store, auto parts store, convenience store, liquor store, grocery and simi-retail uses.	3	3	4	3	2	3	4	2	4
Major appliance sales, office or medical equipment sales, garden shops, home improvement centers, furniture stores, department or discount stores, piano and organ sales, carpet showrooms, auto dealerships, building material sales, and large showroom establishments, Broadcast or recording studio, banks, offices ² , dance studio, photographic studio, research or testing lab, veterinarian, quick copy service, optician, and other similar services		4	4	3	2	4	4	2	4
Retail establishments such as:	Number of Spaces								
	C1	C2	C3	C4 & C4(b)	C5	PCD-1	PCD-2	M-1 & P-1	PMUD
Barber and beauty shops (per station)	2	2	2	2	2	2	2	2	2
Day care center ³ (per employee)		2	3	2	2		2		2
Funeral home (per 50 sq. ft. of public area)	1	1	2	2	1	1	2		2
Gasoline service station:									
Per pump		1	2	2	1		2	1	2
Per repair bay		2	3	3	3		3	3	3
Hotel and motel (per room)		1	1	2	1		1	1	1
Laundromat (per two machines)		1	1	2	1		1	1	1
Restaurant, night club, tavern, bar, lounge (per 100 sq. ft. of floor area)	1.5	1	1.5	2	1.5	1.5	1.5	1	1.5
Fast food restaurant (per 100 sq. ft. of floor area)			1.5	1.5	1.5		1.5	1.5	1.5

¹Where off-street parking spaces are shown for categories of establishments, establishments listed in the category may not be a permitted use in all districts for which required parking is shown. Refer to Article IV for uses permitted in each district.

²Required off-street parking for office buildings located in the C-4(b) District shall be four (4) spaces per one thousand (1,000) square feet of floor area.

³Day care centers shall also provide off-street area for the dispatch of children.

<i>Wholesale, Manufacturing and Warehouse Uses</i>	<i>Number</i>
Wholesale, manufacturing, and service establishments in the C-5, M-1, P1 and PMUD districts	1 per employee
Mini-warehouse	1 per 20 units
Truck and heavy equipment sales	1 per 1,000 sq. ft.
Office-warehouse facilities	1 per 800 sq. ft.
Bus terminal	3 per loading station

Sec. N. Loading area requirement.

- (1) Required loading space: On the same premises with every building or structure involving the receipt or dispatch of vehicles as a necessity for, or incidental to, the operation, or use of the building, there shall be provided and maintained adequate space for standing, loading and unloading services, in order to avoid undue interference with public use of streets or alleys. Each such space shall have a minimum clear height of fifteen (15) feet and shall be a minimum of fourteen (14) feet wide by forty (40) feet long, where vans are to be received, or a minimum of fourteen (14) feet wide by sixty (60) feet long, where tractors and semi-trailers are to be received.
- (2) Loading area site arrangement: All loading areas shall be provided with safe entrance to and exit from the public thoroughfare. The planning commission shall approve the design and location of loading areas in the interests of convenience, safety, and other public requirements. The entire loading area shall be paved and graded to properly drain.
- (3) Number of spaces required:
 - a. One space for floor areas up to 30,000 sq. ft.
 - b. Two (2) spaces for floor areas from 30,000 to 50,000 sq. ft.
 - c. Three spaces for floor areas from 50,000 to 100,000 sq. ft.
 - d. One additional space for each additional 100,000 sq. ft. of floor area.

Sec. O. Parking and Loading Area Requirements for the Mixed Use Districts.

The size, number and location of parking spaces required for specific uses in the Mixed Use District shall be determined as part of the development plan review as required in the Mixed Use District zoning process. Adjacent on-street parking and public parking may be used to meet the parking requirements in the Mixed use District.

Sec. P. Parking Requirements for the Urban Renewal Districts.

Required parking spaces for individual uses in the Urban Renewal District shall be as required in Section M, for the Zoning district where the use is first mentioned in Article IV as a permitted use.

(Ord. 2258, § 1, 07-25-2005)

ARTICLE VIII. RESERVED*

*Editor's note--Section 2 of Ord. No. 1740, adopted Oct. 22, 1990, repealed Art. VIII, pertaining to sign regulations, which contained §§ A-- N and derived from Ord. No. 1602, adopted Dec. 9, 1986, and Ord. No. 1641 , §§ 1--3, adopted Feb. 8, 1988. Section 1 of Ord. No. 1740 enacted sign regulations which were included as Ch. 5, Art. V.

ARTICLE IX. ADMINISTRATION AND REVIEW PROCEDURES

Sec. A. General Administration.

The provisions of this ordinance shall be administered and enforced by the building official of the city, who shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of land or structures necessary to carry out the enforcement of this ordinance.

- (1) *Board of adjustment*: The Homewood Board of Adjustment was established pursuant to section 11-52-80, Code of Alabama 1975; and shall have all powers and duties delegated to boards of adjustment by said code, which generally are:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
 - b. To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.
 - c. To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
- (2) *Standard building code*: The Standard Building Code is that version presently adopted by the City of Homewood. The enforcement of this code provides minimum requirements to safeguard life, health and public welfare and the protection of property as it relates to these safeguards by regulating and controlling the design, construction, alteration, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of all buildings or structures and appurtenances thereto. The first chapter of the building code sets forth the administrative process for the issue of a building permit.
- (3) *Building permit*: It shall be unlawful to: a. commence earthwork, or b. commence construction of any building or other structure, including accessory structures or signs, or c. store building materials or erect temporary field offices, or d. commence the moving, alteration or repair of any structure, until the building official of the city has issued for such work, a building permit. Building permits shall be required for any excavation, construction, or alteration the cost of which is one thousand dollars (\$1,000.00) or more.
- (4) *Review of building permit applications*: It shall be unlawful for the building official of the city to approve any plans or issue a building permit until said official has inspected the plans in detail and found them in conformity with this ordinance. No building permit shall be issued for any structures in Districts regulated by a Final Development Plan until authorized by the Zoning

Administrator. All plans submitted with a building permit application shall contain the following:

- a. Location, size, dimensions and current Zoning of the site.
 - b. The use, location, size, and height of all existing and proposed structures on the site.
 - c. The location and number of parking spaces, as well as points of ingress and egress.
 - d. All easements and rights-of-way.
 - e. The setback and side lines of buildings on adjoining property, and other information concerning the lot or adjacent property as may be required for determining conformance with the provisions of this ordinance.
 - f. The location and dimensions of all exterior graphic displays.
 - g. Buffers.
- (5) *Unlawful structure*: Any use of land or a structure, or construction or alteration of a structure in violation of this ordinance, is hereby declared to be a nuisance per se. Whenever the building official declares that the use of land or a structure is in violation of this ordinance, the owner or occupant shall, within seventy-two (72) hours from the issue of a notice from the building official to vacate such premises, accomplish the vacation of such land or structure until said use be made to conform to the provisions of this ordinance.
- (6) *Penalties*: Any person, firm, corporation, or other organization which violates this ordinance shall be fined upon conviction not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) and cost of court for each offense. Each day such violation continues shall constitute a separate offense.
- (7) *Remedies*: When any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or any building, structure or land is used in violation of this ordinance, the building official of the city or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation may bring an injunction, mandamus, or other appropriate action or proceeding, to correct or abate such violation or to prevent occupancy of such building, structure, or land.

(Ord. No. 2001, § 6, 11-23-98)

Cross reference(s)--Created and established, § 17-1.

Sec. B. Zoning amendments:

- (1) *Review procedure*: A proposed amendment to the zoning ordinance, including the map, may be initiated by the city, or at the request of the owner of the subject property. All proposed amendments shall be considered by the city, in accordance with Title 11, Chapter 52, Article 4, of the Code of Alabama 1975, as amended, and section 1059(28) - 1059(31), Volume 14(c) of the 1973 supplement to the Code of Alabama 1940 as recompiled in 1958.

- (2) *Application requirements:* At least thirty (30) days prior to a regularly scheduled planning commission meeting, the applicant shall submit to the secretary to the planning commission:
- a. An administrative fee of two hundred fifty dollars (\$250.00) plus an amount equal to the sum of any and all expenses incurred by the City of Homewood for publication, notification for hearings, planning, engineering, and surveying services rendered or required in connection with said application, and/or as otherwise provided by ordinances of the City of Homewood.
 - b. A completed application form supplied by the zoning administrator, accompanied by the following materials:
 1. A site plan, drawn to scale, indicating:
 - i. The dimensions and location of the site.
 - ii. The shape, size, height and location of all existing structures on the site.
 - iii. The number and location of parking spaces, and location of ingress and egress.
 - iv. All rights-of-way and easements.
 - v. Other information which may be required by the planning commission during the review process.
 2. A written statement indicating:
 - i. Reason for the request.
 - ii. Legal description of the subject property.
 - iii. Traffic volumes to be generated by the proposal.
 - iv. Availability of required utilities.
 3. Public hearing notices on a form supplied by the zoning administrator, in accordance with the following provisions:
 - i. The notice shall be addressed to the owners of property located in whole or in part within five hundred (500) feet from the boundaries of the property which is the basis of the proposed amendment in zoning classification, as shown by the records of the Jefferson County Tax Assessor on a date not more than one (1) year prior to the date of such notice.
 - ii. The applicant shall complete number 10 plain white envelopes, supplied by the city, addressed and stamped for certified return

receipt mailing from the city to all persons to whom notice shall be sent.

iii. Such notices shall state the street address of the property, if any, and the proposed amendment or change in zoning classification.

iv. Such notices shall state that a written protest of the proposed amendment may be filed with the secretary to the planning commission of the City of Homewood one (1) day prior to the proposed date of the public hearing for the consideration of the zoning classification amendment. The protest must be signed by the property owner making such protest and only one (1) protest shall be allowed for each separately assessed unit of property.

v. Such notices shall be deposited in the United States mail by the secretary to the planning commission at least seven (7) days prior to the proposed date of the public hearing.

4. Zoning amendments which require preliminary development plan approval shall submit said plan as required in Article VI of this ordinance.

c. The zoning administrator shall be responsible for posting property with signs that note the proposed district change and the time and place of the planning commission hearing. The zoning administrator shall post property at least fifteen (15) days in advance of the public hearing before the planning commission. The property shall remain posted until the public hearing is completed. The required signs shall be placed at reasonable intervals along the public street abutting the property subject to rezoning.

(3) Conditional rezoning.

a. In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must adhere to the following criteria:

1. The rezoning itself must give rise to the need for the conditions.

2. Such conditions shall have a reasonable relation to the rezoning.

3. Such conditions shall not include a cash contribution to the city.

4. Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Homewood Subdivision Regulations.

5. Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Homewood Subdivision Regulations.
 6. No condition shall be proffered that is not related to the physical development or physical operation of the property.
 7. No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
 8. All such conditions shall be in conformity with the purposes and considerations of this ordinance.
- b. The zoning administrator shall be vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to a rezoning amendment.
 - c. The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The zoning administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, M-1C), and the zoning map shall reference the conditional zoning index by ordinance number.
 - d. Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.
- (4) *Limitations on rezoning amendments:* Should the city council reject a rezoning amendment proposal by a property owner, the same kind of rezoning of the same tract land will not be considered by the planning commission until a period of one (1) year has elapsed from the date of such action by the city council. Further, a withdrawal of the application for rezoning after the hearing held by the planning commission, but prior to the hearing held by the city council shall also require a one-year time period before another application may be submitted. However, the planning commission may adjust this time period if in the opinion of a majority of the commission, an unusual situation or circumstance exists which would warrant another hearing. Each time the zoning amendment application is made, the required administrative fees must be paid. Under no condition shall fees be refunded for failure of such proposed amendment to be enacted into law.
- (5) *Public hearing-planning commission.* Any requested zoning amendment or change is to be heard by the planning commission at a public hearing.

The public hearing to be held before the planning commission and notice of the same as provided hereinabove shall be in addition to and is not to supplement or change requirements for public hearing and notice of same to be held before the city council of the City of Homewood as per the terms and conditions of section 1 referred to hereinabove or contained in Section 1059(29), Volume 14(c) of the 1973 supplement to the Code of Alabama 1940 as recompiled in 1958.

(Ord. No. 1682, § 1, 5-22-89; Ord. No. 2001, § 7, 11-23-98)

Sec. C. Uses on appeal.

A use allowed on appeal is a use which is compatible with the permitted district uses but, because of its nature, must be reviewed and approved by the board of adjustment, prior to issue of a building permit. Such uses fall into two (2) separate categories: Uses which are specifically mentioned in the ordinance as requiring board of adjustment approval; and uses which are not specifically addressed in the ordinance.

- (1) Specific uses on appeal:
 - a. Day care home.
 - b. Home occupations. No home occupation shall be permitted, which:
 1. Generates traffic, parking, sewerage or water use in excess of what is normal for residential occupancy.
 2. Creates a hazard to person or property, results in electrical interference, or becomes a nuisance.
 3. Results in the outside storage or display of anything.
 4. Occupies more than twenty (20) percent of the dwelling.
- (2) *Other uses on appeal*: Uses which are not addressed by this ordinance, may be permitted in a district which permits similar uses, upon approval of the board of adjustment. However, if the board determines that the granting of a use on appeal would constitute a rezoning of the property, then the board shall refer the request to the planning commission for legislative action.

Sec. D. Severability.

If any section or provision of this ordinance, including any part of the zoning map which is a part of this ordinance, be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.