

# The City of Birmingham

## Zoning Ordinance



<b>Ordinance No. 90-130</b>	<b>05/15/90</b>
<b>Ordinance No. 90-137</b>	<b>05/29/90</b>
<b>Ordinance No. 90-207</b>	<b>08/07/90</b>
<b>Ordinance No. 91-214</b>	<b>09/10/91</b>
<b>Ordinance No. 94-66</b>	<b>04/05/94</b>
<b>Ordinance No. 94-255</b>	<b>11/29/94</b>
<b>Ordinance No. 95-56</b>	<b>03/21/95</b>
<b>Ordinance No. 97-16</b>	<b>01/28/97</b>
<b>Ordinance No. 97-20</b>	<b>02/18/97</b>
<b>Ordinance No. 97-21</b>	<b>02/18/97</b>
<b>Ordinance No. 97-77</b>	<b>06/24/97</b>
<b>Ordinance No. 00-142</b>	<b>09/05/00</b>
<b>Ordinance No. 01-25</b>	<b>03/06/01</b>
<b>Ordinance No. 02-44</b>	<b>04/23/02</b>
<b>Ordinance No. 02-159</b>	<b>11/05/02</b>
<b>Ordinance No. 06-2</b>	<b>01/09/06</b>
<b>Ordinance No. 06-86</b>	<b>06/09/06</b>
<b>Ordinance No. 07-33</b>	<b>03/21/07</b>
<b>Ordinance No. 08-71</b>	<b>07/01/08</b>
<b>Ordinance No. 08-82</b>	<b>11/25/08</b>
<b>Ordinance No. 09-148</b>	<b>05/11/2010</b>
<b>Ordinance No. 09-149</b>	<b>05/11/2010</b>
<b>Ordinance No. 09-157</b>	<b>03/02/2010</b>
<b>Ordinance No. 10-81</b>	<b>08/24/2010</b>

### **Section 3. B-3 Community Business District.**

#### **Subsection 1. Generally.**

The regulations set forth in this Section or set forth elsewhere in the Ordinance, when referred to in this Section, are the regulations in the B-3 Community Business District.

#### **Subsection 2. Use regulations.**

A building or premises shall be used only for the following purposes:

1. Retail store.
2. Restaurant (including drive-in restaurant) or tavern.
3. Automotive, farm implement or trailer display or sales.
4. Service station; except, no pump shall be located within fifty feet of a dwelling district nor any portion of a structure within fifteen feet of a dwelling district.
5. Hardware or building material sales.
6. Hotel or motel.
7. Amusement or recreation service, such as theater, dance hall or bowling alley.
8. Laundry, dry cleaning or dyeing plant.
9. Personal service shop, such as barbershop or beauty shop, photographic studio or massage establishment.
10. Business service shop, such as blueprinting, accounting, duplicating or employment agency.
11. Business, music or dancing school.
12. Office.
13. Repair service for such items as radios, televisions, shoes, watches or jewelry.
14. Bank or lending institution.
15. Parking lot or garage.
16. Automotive, farm implement or trailer repair or servicing.
17. Radio or television broadcasting station, studio or office.
18. Undertaking establishment or mortuary.
19. Wholesale establishment, including storage and display.
20. Carpentry, painting, plumbing, tinsmithing, and electrical shops; provided, that all work on the premises is done within a building, and all materials are stored in a building.
21. Testing or research laboratory.
22. Millinery, dressmaking or tailoring.
23. On-premise signs.
24. Printing or engraving.
25. Light manufacturing limited to the following:
  - a. Furniture.
  - b. Jewelry.
  - c. Cosmetics.

- d. Candy.
  - e. Fur goods, except tanning or dyeing.
  - f. Medical, dental, or drafting instruments.
  - g. Optical equipment, clocks, watches and similar precision instruments.
26. Other manufacturing, processing, fabricating or assembling operations which do not create any objectionable noise, vibrations, smoke, dust, odor, heat or glare, but only when the manufacturing, processing, fabricating, or assembling is incidental to a retail business conducted on the premises.
  27. Mini-Warehouse.
  28. Dwelling, jointly with other uses or as a principal use, including Family Day/Night Care or Family Group Day/Night Care facilities.
  29. Church, hospitals or other institutions, but not including mental hospitals or penal institutions.
  30. Private club or lodge.
  31. Public buildings.
  32. Parks.
  33. Telephone exchange or service buildings.
  34. Utility Installation or service building.
  35. Adult Care Facility or Child Care Center.
  36. Wireless communications facility, in accordance with Article VI, Section 18.
  37. Accessory structures and uses, including Accessory Use Child Care Centers.

**Subsection 3. Area and dimensional regulations.**

Except as provided in Articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure Feet	Minimum Yards*			Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	Side		
None, except where Federal Aviation Administration (FAA) Restrictions apply, in which case a waiver must be granted by the FAA to exceed FAA limitations.	None	None	None	None	None

**Subsection 4. Site Development Plan.**

1. Except for Single Family and Two Family Dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is enlarged or extended to at least fifty percent of its current floor area. At a minimum, the Site Development Plan, must

show:

- a. The direction of north, appropriate scale and existing and finished topography in not greater than two foot contour intervals.
  - b. The proposed location including any easements that may exist on site and elevation drawings of all sides of each building prototype.
  - c. The use of all structures and premises.
  - d. The location of proposed driveways and marked off-street parking spaces.
  - e. The edge of pavement for existing and proposed streets, driveways and walkways.
  - f. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for large solid waste containers, including their access in compliance with Article VI, Section 5.
  - g. Location and areas of illumination of all exterior lighting.
  - h. The location, size, number and character of all exterior signs.
  - i. The location, character and extent of landscaping, retaining and screen walls and other treatment for the protection of adjoining property or fences, and other measures for screening or buffering views from incompatible land uses. This includes detailed landscaping plans for structures and parking areas. The Landscaping plan shall include plant location, corresponding plant schedule and planting instructions. In addition to landscape requirements for off-street parking as specified in Article V, landscaping of the remainder of the lot, exclusive of areas occupied by structures and parking, shall not be less than five (5) percent. Said landscaping shall include a combination of shrubs, trees, and ground cover.
  - j. Plans and facilities for stormwater drainage of the premises.
  - k. Any proposed re-subdivision of the subject property; when applicable.
2. Any proposed condominium must also conform to Article VIII of the Birmingham Subdivision Regulations. The deed restrictions and covenants must show the treatment of all land held in common interest.

#### **Subsection 4. Parking and loading regulations.**

Off-street parking and loading spaces shall be provided in an amount equal to one half the requirements of Article V. Off-street loading shall be in accordance with the requirements of Article V.