

ATTACHMENT TO ZAC2026-00001

Additions

Deletions

Amendments to the original draft

SECTION 1. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 1, Article III: Definitions, Ordinance No. 15-133, as amended, is hereby amended to read as follows:

Article III. Definitions.

1. **Abutting.** Any property touching or sharing a common boundary. This term shall not be deemed to include parcels that are across a public street or right-of-way from each other.
2. **Accessory Structure.** Any subordinate structure that is incidental to the principal use of the premises, and is located on the same lot as the related main use.
3. **Accessory Use.** Any use that is subordinate and incidental to the principal use of the premises.
4. **Adjacent.** Any property that is abutting or separated by a right-of-way.
5. **Adult.** A person 18 years of age or older.
6. **Adult Establishment.** Any "adult bookstore," "adult cabaret or dancing establishment," "adult motion picture theater," or any commercial establishment which presents material or exhibitions distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below for observation by patrons therein. Specified anatomical areas.
 - i. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
 - ii. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities.

- i. Human genitals in a state of sexual stimulation or arousal;
 - ii. Acts of human masturbation, sexual intercourse or sodomy; and
 - iii. Fondling or other erotic touching of human genitals pubic region, buttocks or female breast.
- a. **Adult bookstore.** An establishment having, as a substantial portion of its stock in trade available for purchase or rental, books, magazines, and other periodicals, novelty items, cassette tapes, videotapes, DVDs or films which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas", as defined above, or an establishment with a segment or section devoted to the sale, rental or display of such material.

- b. **Adult cabaret or dancing establishment.** A cabaret or dancing establishment which regularly features live performances that are characterized by the exposure of "specified sexual activities" or by "specified anatomical areas," as described above.
 - c. **Adult motion picture theater.** An enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined above, for observation by patrons therein.
 - d. **Adult Studio.** Any building or land used for the production of adult entertainment media, such as, video, webcams, webchat, or any other internet based adult entertainment that is used for the purpose of delivering adult entertainment to any audience via the internet or by any other means.
7. **Aggregate Electrical Demand.** The total electrical demand, expressed in megawatts, of all buildings, phases, and ancillary infrastructure associated with a Data Center, including ultimate build-out, regardless of phasing, ownership structure, or timing of construction.
 8. **Alabama Medical Cannabis Act or Medical Cannabis Act.** Alabama Act No. 2021- 450, 2021 Regular Session of the Alabama Legislature, codified at Ala. Code, 1975, § 20-2A-1, et seq., as now or hereafter amended, and which may also be cited as “the Darren Wesley ‘Ato’ Hall Compassion Act”.
 9. **Alabama Medical Cannabis Commission or AMCC.** The state agency established by Ala. Code, 1975, § 20-2A-20, et seq., as now or hereafter amended, to regulate the medical cannabis industry in Alabama.
 10. **Alabama Medical Cannabis Commission Rules or AMCC Rules.** Administrative rules promulgated by the AMCC pursuant to the Medical Cannabis Act at Title 538 of the Alabama Administrative Code, as now or hereafter amended.
 11. **Alley.** A public right-of-way providing access to the back or side of a premises that has primary frontage on a street.
 12. **Amphitheater.** Any premises or outdoor structure specifically designed and used as a place of assembly for purpose of entertainment.
 13. **Amusement (indoor).** The provision of entertainment or games of skill that is wholly enclosed in a building, such as bowling alleys, skating, billiards and pool halls, theaters, arcades, and similar types of amusement operations.
 14. **Amusement (outdoor).** The provision of entertainment or games of skill where any portion of the activity takes place outside of a building, such as a stand-alone golf driving range, archery range, miniature golf course, or similar types of amusement operations. This use does not include a stadium, automotive or other types of race track, vehicular related activities or similar or related activities, or any uses listed within the Planned Recreational District (PRD) zoning district.
 15. **Ancillary Infrastructure.** Equipment, facilities, and improvements customarily incidental to the operation of a Data Center, including but not limited to generators, substations, transformers, cooling systems, chillers, fuel storage, battery storage, telecommunications equipment, and similar mechanical or electrical components, whether located within a building or outdoors.
 16. **Animal Boarding Facility.** Any building used for the temporary, indoor overnight boarding, care and grooming of domesticated dogs and cats.

17. **Animal Day Care.** Any building, designated or arranged for the daytime care and grooming of domesticated dogs and cats. Does not include overnight boarding.
18. **Animal Kennel.** Any building(s), outdoor animal run or land designated or arranged for the care, breeding, boarding, training, or selling animals, primarily, but not limited to domesticated dogs and cats, whether by owners of such animals or by persons providing facilities and care, but shall not apply to the keeping of animals in a pet store, a laboratory for scientific or experimental purposes or in a veterinary establishment for the purpose of observation and/or recovery necessary to veterinary treatment.
19. **Apiary.** Any premises where bees are kept in hives or colonies for the production of honey.
20. **Appliance Repair.** Any building used for the repair of large appliances such as washing machine, refrigerator, and other similar items.
21. **Area Median Income (AMI).** The midpoint of the City of Birmingham's income distribution calculated on an annual basis by the Department of Housing and Urban Development (HUD).
22. **Arena.** A large building with tiers of seats for spectators at sporting, entertainment or other recreational events.
23. **Automobile Parking, Structure.** A building or a portion of a building used for the parking or storing of motor vehicles in an enclosed structure. Such parking shall be for the use of licensed, operable vehicles only and is not intended to include merchandise, vehicles for sale or vehicle repair.
24. **Automobile Parking, Surface Lot.** An unenclosed site or a portion of a site, devoted to the off-street parking of vehicles on a temporary basis. Such parking shall be for the use of licensed vehicles only and is not intended to include merchandise, vehicles for sale or vehicle repair.
25. **Automobile Parking.** The use of property for parking or storage of operable automobiles and light trucks on a temporary basis. Such parking shall be for the use of licensed vehicles only and is not intended to include merchandise, vehicles for sale or vehicle repair.
26. **Automobile Sales.** A retail business which sells automobiles that is primarily housed in a structure and characterized by a mixture of secondary supporting uses; however, the principal use of the site shall be the marketing and outside display of automobiles, whether by sale, rental, lease or other commercial or financial means. Secondary supporting uses may include on-site facilities for the repair and service of automobiles previously sold, rented, or leased by the dealership. No visibly disabled vehicles shall be stored on the premises.
27. **Automobile Service.** Any building used for the replacement of any part, or repair of any part, to an automobile that does not require removal of the engine head or pan, engine transmission or differential, including, but not limited to oil change and lubrication, cooling, electrical, fuel and exhaust systems, wheel alignment and balancing, brake adjustment, relining and repairs, mufflers, batteries, tire services and sales, shock absorbers, installation of stereo equipment, car alarms or cellular phones, dispensing of gasoline and motor fuels at retail , but excludes dismantling, rebuilding, reconditioning, or salvage of automobiles, in whole or in part.
28. **Automobile/Light Truck/Repair.** Any building used for the general repair or reconditioning of automobiles and engines, including but not limited to body, frame or fender straightening or repair, the reconditioning, repairing, sale, mounting, or installing of any tires, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of automobiles, in whole or in part.

29. **Backup Generator.** An on-site power generation system intended to supply electricity during utility outages, emergencies, or limited testing and maintenance activities.
30. **Bakery, Retail.** Any building used to produce and sell, to the general public, baked goods including but not limited to bread, pies, bagels, pastries, cakes and cupcakes. Retail bakeries may have seating areas for customers where retail items can be purchased and consumed.
31. **Bakery, Wholesale.** Any building used to produce and sell at wholesale, to retailers, baked goods including but not limited to bread, pies, bagels, pastries, cakes and cupcakes.
32. **Bar.** Any building where liquor, beer or wine or any combination are served for consumption on the premises, with or without food.
33. **Bed and Breakfast Inn, Historic.** A premises where overnight accommodations and a morning meal in a dwelling unit provided to transient guests for compensation within an owner-occupied dwelling in a local historic district or other historically significant structure.
34. **Bed and Breakfast Inn.** A premises where overnight accommodations and a morning meal in a dwelling unit provided to transient guests for compensation.
35. **Block-face.** All the properties abutting one side of a street and lying between the two nearest intersecting streets or between the nearest intersecting street and any railroad right-of-way, unimproved land, watercourse or City boundary.
36. **Brew Pub.** An establishment, meeting the qualifications of a brew pub under the State alcoholic beverage control laws in Title 28, Chapter 4A of the Code of Alabama 1975, as amended, where beer is actively and continuously manufactured or brewed, in a quantity not to exceed 10,000 barrels in any one year, for consumption on the premises or for sale to any designated wholesaler licensee for resale to retail licensees; and which contains a restaurant or otherwise provides food for consumption on the premises.
37. **Brewery, Micro.** Any building used for the production of beer that manufactures less than 40,000 barrels per year, with a barrel containing 31 U.S. liquid gallons. A micro-brewery, actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises, may conduct tastings or samplings on the licensed premises, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only the premises where manufactured.
38. **Brewery.** Any building used for the production of beer that manufactures more than 40,000 barrels per year, with a barrel containing 31 U.S. liquid gallons. A brewery, actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises, may conduct tastings or samplings on the licensed premises, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only the premises where manufactured.
39. **Buffer.** An area located at the perimeter of the lot containing landscaping, berms, walls or fences that screen uses on adjacent properties from those uses occurring on the subject property.
40. **Building Height.** The vertical distance from the grade level at the front façade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.
41. **Building.** Any structure having a roof supported by columns and enclosed by walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
 - a. **Liner Building.** A building which is at least 24 feet deep, measured from the frontage façade, and masks a parking lot or parking structure from the frontage.

42. **Bus Station.** A structure or building where City or intercity mass transit stops to pick up and drop off passengers. It is larger than a bus stop; bus station may include a terminal station for a number of routes, or a transfer station where the routes continue.
43. **Business Service with Distribution.** The provision of business services that includes the warehousing and distribution of packages.
44. **Business Service.** The provision of services required for the day to day operation of a business such as, but not limited to, consulting service, photocopy or office supply.
45. **Cannabis.** All parts of any plant of the genus cannabis, whether growing or not, including the seeds, extraction of any kind from any part of the plant, and every compound, derivative, mixture, product, or preparation of the plant; but excluding industrial hemp or hemp regulated under Ala. Code, 1975, § 2-8-11, as now or hereafter amended, and also excluding cannabis that is cultivated, processed, transported, stored, possessed, or used outside the Statewide Seed-to-Sale Tracking System (i.e., illicit cannabis), including but not limited to cannabis that once was included within and/or intended for placement on the Statewide SeedtoSale Tracking System (i.e., diverted cannabis).
46. **Car Wash, Automated.** A building or portion thereof containing facilities for washing passenger vehicles, using production-line methods with a chain conveyor, blower, steam cleaning device or other mechanical devices within a partially enclosed structure.
47. **Car Wash, Manual.** A building or portion thereof containing facilities for washing passenger vehicles by manually operated high-pressure wands and operations that are done by hand such as auto detailing.
48. **Chicken Coop.** A building where domesticated hens are kept and the fenced area around the coop, called a run.
49. **Child.** A person under 18 years of age.
50. **Child/Adult Care.** The provision of care for individuals, who are not related to the primary caregiver, for less than 24 hours per day. These following classes are referenced:
 - a. **Accessory Child/Adult Care Center.** A facility or licensed agency that provides for the care of children or adults for periods of less than 24 hours a day and is accessory to primary use of the lot.
 - b. **Adult Care Center.** A building or structure wherein an agency, association, organization, person or group of persons, whether established for financial gain or otherwise, regularly provides care for three or more adults.
 - c. **Child Care Center.** A facility or licensed agency that provides for the care of thirteen or more children for periods of less than 24 hours a day.
 - d. **Department of Human Resources (DHR).** State of Alabama or Jefferson County Department of Human Resources.
 - e. **Family Day/Night Care Home.** A child care facility which is the family home in which the operator resides and which receives not more than six children and is licensed as a Family Day / Night Care Home by DHR.
 - f. **Family Group Day/Night Care Home.** A child care facility which is the family home in which the operator resides and which receives not more than twelve children, and is licensed as a Family Group Day / Night Care Home by DHR.
 - g. **Substitute/Alternate.** A person employed by an adult or child care provider on a part-time basis who is available to act as a care giver in the absence of the operator.
 - h. **Zoning Certificate of Operation.** A certificate of operation, issued by the Department authorizing the operation of a child or adult care facility within the City.

51. **Clinic.** A facility for examining and treating patients with medical, addictive, mental or physical problems on an outpatient basis, including ambulatory care or similar medical services that require a stay of less than 24 hours.
52. **Closed Loop Cooling System.** A cooling system that recirculates water for repeated use with minimal discharge, designed to limit potable water consumption and reduce water loss through evaporation, blowdown, or disposal.
53. **Cold Frame.** An unheated outdoor structure with a glass or clear plastic top that protects seedlings and plants from the cold.
54. **College or University.** An institution of higher education offering undergraduate or postgraduate degrees.
55. **Commercial Vehicle.** A commercial vehicle is any motor vehicle that has a capacity greater than one-ton or trailer over 14 feet such, but not limited to a truck, box truck, semi-truck, van, limousine, wrecker, coach or bus.
56. **Communal living facility.** Facilities in which four or more unrelated persons reside, including Assisted Living Facility, Boardinghouse, Nursing Home, Rehabilitation Facility, Sheltered Care Home, Transitional Home. Communal Living Facilities do not include child foster care facilities or facilities located in multi-family districts that are used for housing the mentally handicapped or mentally ill, where there are no more than 10 such people plus 2 unrelated persons to either the occupants of the facility or to each other. (Code of Alabama 11-52-75.1 and Board Case No. 84-95).
- a. **Assisted living facility.** Residencies for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services such as recreational activities, financial services and transportation.
 - b. **Boardinghouse.** A dwelling, or part thereof, in which for compensation lodging and meals are provided for four or more persons.
 - c. **Nursing home.** A home for the aged or infirm in which four or more persons not of the immediate family are received, kept or provided with food and shelter or care as part of convalescence, rehabilitation or hospice for compensation; but not including hospitals, clinics or similar establishments devoted primarily to the diagnosis and treatment of the sick or injured.
 - d. **Rehabilitation Facility.** A building used for the provision of treatment for addictive, mental or physical disabilities for 24 hours a day to four or more persons.
 - e. **Transitional home.** A facility in which four or more individuals live for a short period while receiving social psychological or similar therapy or counseling excluding jails, prisons, and other correctional institutions.
 - f. **Sheltered Care Home.** A dwelling for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.
57. **Community Garden.** A property used for cultivation and harvesting, for useful and productive purposes, food crops and/or ornamental crops for personal use, donation off-premise sale or on premise sale in residential districts when a special exception is granted by the Board.
58. **Composting Facility (Solid Waste Treatment Facility).** A commercial or public solid waste processing facility where yard or garden waste, manure and other putrescible materials are transformed into soil or fertilizer by biological decomposition.

59. **Conditional Use.** A use or occupancy of a structure, or a use of land, permitted only upon review and approval of a site plan and subject to the limitations and conditions specified in Chapter 4, Article II of this Ordinance.
60. **Condominium.** The form of ownership of real or personal property or a combination thereof under a declaration providing for ownership of units of the property by one or more owners together with an undivided interest in common and limited common elements.
61. **Conservation Subdivision.** A residential development wherein a portion of the site is preserved as permanent undisturbed natural area, to continuously protect, environmental features. Conservation subdivisions are characterized by clustering of homes, reduced lot sizes, and provision of an undisturbed natural area to enable the preservation and maintenance of environmental features.
62. **Construction.** Is the development of physical improvements on a site such as, but not limited to, water and sewer lines, footings, and/or foundations. Clearing, grading, the storage of building materials or the placement of temporary structures on a site shall not constitute beginning construction.
63. **Contractor Yard.** The construction and incidental storage activities performed by construction contractors on lots other than construction sites.
64. **Convenience Store.** A retail establishment selling primarily food products household items, newspapers, and magazines, candy, and beverages and in which gasoline and other motor fuels, are dispensed at retail, by use of fixed approved dispensers. Convenience stores may include an automated car wash for washing one automobile at a time, within an enclosed building.
65. **Convention Center.** Any building designed and used to accommodate 1,000 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including food and beverage preparation and service for on-premise consumption.
66. **Cottage Development.** A grouping of single-family dwellings clustered around a common area, in which not all lots front on a public street and is provided access by a shared driveway or alley.
67. **Country Club/Golf Course/Swim or Tennis Club.** A public or private establishment operated for the purpose of playing golf, swimming or playing tennis that may include an accessory office, retail pro shop, restaurant, banquet facilities, lounge, golf driving range, caretaker's dwelling unit , and golf/tennis academy.
68. **Dairy, Factory.** A building where raw milk is processed into milk, butter, yogurt, cheese or other dairy product.
69. **Dairy, Farm.** Any premises where milk is harvested from cows.
70. **Data Center.** A facility used primarily for the processing, management, storage, and transmission of digital data, which houses computer and/or network equipment, systems, servers, appliances and other associated components related to digital data operations. Such facility may also include air handlers, water cooling and storage facilities, utility substations, backup power supplies, and other associated utility infrastructure to support sustained operations at a data center.
 - a. **Accessory Data Center.** A data processing facility that is incidental and subordinate to a principal use located on the same lot and is used solely to support the internal operational, administrative, or technological needs of that principal use. An accessory data center shall not be operated as a principal use, shall not be leased, rented, or made

available to third parties for data storage or processing, and shall not function independently of the primary use it serves.

- b. **Hyperscale Data Center.** A large data processing facility designed to support high volume computing, storage, and networking capacity, typically operated by or for a single enterprise or a limited number of affiliated entities. A hyperscale data center requires extensive cooling systems, electrical substations, backup power generation, and related infrastructure, occupies more than 200,000 square feet of gross floor area, and/or has an aggregate electrical demand exceeding 30 megawatts.
 - c. **Medium Data Center.** A data processing facility occupied by a single tenant used to support the internal operational, administrative, or technological needs of the tenant; or a facility that provides leased space, power, cooling, and physical security for use by multiple unaffiliated tenants operating their own servers, networking equipment, and related infrastructure. A medium data center occupies between 10,000 and 200,000 square feet of gross floor area and/or has an aggregate electrical demand of at least 1 megawatt and not more than 30 megawatts.
 - d. **Micro Data Center.** A data processing facility designed to provide localized data processing and network support by locating computing resources near end users or data sources. A micro data center occupies less than 10,000 square feet of gross floor area and/or has an aggregate electrical demand not exceeding 1 megawatt.
- 71. **Director.** The Director of the Department of Planning, Engineering and Permits of the City of Birmingham, or his designee.
 - 72. **Distillery, Artisanal.** Any building used for the production of liquor in quantities not to exceed 1,000 barrels per month, with a barrel containing not more than 55 U.S. liquid gallons. An artisanal distillery, actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises, may conduct tastings or samplings on the licensed premises, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only one premises where manufactured.
 - 73. **Distillery.** Any building used for the production of liquor in quantities exceeding 1,000 barrels per month, with a barrel containing not more than 55 U.S. liquid gallons. A distillery, actively and continuously engaged in the manufacture of alcoholic beverages on the manufacturer's licensed premises, may conduct tastings or samplings on the licensed premises, and for that purpose give away or sell alcoholic beverages manufactured there for consumption on only one premises where manufactured.
 - 74. **District.** A classification for which the zoning regulations governing the use of buildings and premises, the height and location of buildings, the size of yards, and the intensity of use are compatible.
 - 75. **Donation Box.** A temporary accessory structure placed by a non-profit in a side or rear yard of certain commercial and industrial districts to collect clothing and other household items.
 - 76. **Donation Center.** A facility located on the premises of a principal institutional use where donated items including clothing, furniture, house wares, small electrical appliances, household textiles, toys, and other small household items are collected.
 - 77. **Dressmaker/Tailor/Millinery.** An establishment for producing clothing and hats for individuals at retail only.
 - 78. **Drive-In/Drive-Through.** Any establishment where services are rendered or items are sold, for consumption on-site or off-site, and orders are made from a car to a server at a window, or via a speaker and receiver, or via an automated device.

79. **Driving Range, Free-Standing.** A facility equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack-bar and pro-shop, but excludes miniature golf courses and "putt-putt" courses.
80. **Dwelling Unit, Other.** One or more rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes that supports only one family.
81. **Dwelling, Accessory.** One or more rooms located within an accessory structure and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes that supports only one family. Accessory dwellings are subject to conditions listed in Chapter 4, Article IV, Section 2, Item B.
82. **Dwelling, Caretaker.** A residence, incidental to a principal use, for an on-site manager, security guard or caretaker employed on the premises.
83. **Dwelling, Duplex.** A small (1 to 2-story), detached structure that consists of two dwelling units arranged one beside or above the other, each with a separate unit or main entry from the street. This dwelling type has the appearance of a small-to-medium single-unit house, may include a rear yard.
84. **Dwelling, Live/Work.** An attached or detached structure that consists of one dwelling unit above and/or behind a flexible ground floor space that can be used for residential, service, or retail uses.
85. **Dwelling, Multiple-Family.** A building containing 13 or more dwelling units.
86. **Dwelling, Multiplex.** A detached (2 to 3-story) structure that consists of 5 to 12 dwelling units arranged side-by-side and/or stacked, typically with a shared entry from the street. This dwelling type has the appearance of a medium-to-large single-unit house and does not include a rear yard.
87. **Dwelling, Quadplex.** A detached (2 to 2.5-story) structure with four dwelling units, two on the ground floor and two above, with shared or individual entries from the street. This dwelling type has the appearance of a medium-sized single unit house and may include a rear yard.
88. **Dwelling, Single-Family Detached.** A building containing one dwelling unit and that is not connected to any other dwelling or principal building and designed for or occupied exclusively by one family.
89. **Dwelling, Townhouse.** A building on its own recorded lot connected to another primary structure occupied exclusively by one family that is attached by common walls to a like building. See Chapter 4, Article II, Section 2.
90. **Dwelling, Triplex.** A small-to-medium (1 to 3 -story) sized detached structure that consists of 3 dwelling units typically side by side or stacked on top of each other on consecutive floors, with one entry for the ground floor unit and a shared entry for the units above. This dwelling type typically does not include a rear yard.
91. **Electronics Repair.** Any building used for the repair of small electronics such as personal computers, phones, and other small electronics.
92. **Event Center.** Any building where the primary use is staging of temporary events, and may be operated by a vendor for the purpose of renting space for private functions.
93. **Façade.** That portion of any exterior elevation on a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

94. **Family.** One or more persons occupying a dwelling and living as a single housekeeping unit, all of whom or all but two of whom are related to each other by birth, adoption or marriage as distinguished from a group occupying a communal living facility.
95. **Farmer’s Market.** Premises where outdoor sales sanctioned by the State of Alabama Farmer’s Market Authority, consisting of whole uncut produce, ornamental crops and value-added agricultural products such as baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey, eggs, meat, nuts and handmade art and crafts.
96. **Fence or Wall.** A structure, solid or otherwise, erected, placed, or constructed on a property, which is intended to be a barrier, boundary, enclosure, privacy feature, or decorative item. It is characteristic of such an item that it is normally a separate “stand-alone” structure, erected along the perimeter (or close to the perimeter) of a property.
97. **Fiber Hut or ILA (In-Line Amplifier Hut).** An enclosed structure that houses fiber optic and telecommunications equipment used for the routing, distribution, interconnection, or amplification of data signals within a fiber optic network. A fiber hut may include optical distribution frames, switching equipment, power supplies, backup generators, and climate control systems, but does not contain data storage servers or provide large scale data processing functions.
98. **Financial Institution.** Any building, room, space or portion thereof where an establishment provides a variety of financial services, and are limited to, federally insured banks, credit unions, and mortgage companies.
99. **Fitness Center.** A building and premises containing recreational facilities such as gymnasiums, swimming pools or playing fields that is available to the membership of a club.
100. **Flea Market.** Premises where outdoor sales consisting of individual stalls used for selling various types of merchandise such as used household items, and cut-rate goods.
101. **Forest Management.** The ongoing maintenance and stewardship of forested areas to promote healthy ecosystems and sustainable forestry practices. This includes activities such as thinning, pruning, the removal of invasive species, and the replanting of native species aimed at enhancing forest health and biodiversity. Forest Management does not include timber harvesting or clear-cutting, which are governed by separate definitions and regulations.
102. **Fraternity/Sorority House.** Living quarters that may be used for gathering or entertaining for private social organizations serving students of colleges or universities and located on the campus as depicted on the approved master plan of the college or university.
103. **Front Facade, Primary.** The primary front onto which the building faces.
104. **Front Facade, Secondary.** Any lot frontage that is not considered a primary front facade is a secondary front facade.
105. **Frontage Façade Void Area.** The area of a frontage façade not comprised of walls; including windows, doors and other openings in the wall. Frontage façade.
106. **Frontage Façade.** A façade that is set along a frontage line.
107. **Frontage.** The area between a building frontage façade and a path, passage, waterbody, civic space, or the curb (or if there is no curb, the edge) of the vehicular lanes of a thoroughfare having vehicular lanes, inclusive of the built and planted components of such area. Frontage is divided into private frontage and public frontage.
108. **Fuel Cells. A stationary energy generation system that converts the chemical energy of a fuel (often hydrogen) and oxidant (often oxygen) to electric energy (DC or AC electricity) by an electrochemical process.**

109. **Funeral Home.** A building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities for the preparation of the human body for interment and/or cremation.
110. **Furniture Store.** A retail store where furniture is displayed, stored and offered for sale.
111. **Garage Sale/Yard Sale.** A sale of personal property by homeowner or occupant of real property.
112. **Garage, private.** An accessory building or part of a principal building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory.
113. **Grade Level.** For buildings the average level of the finished ground surface at the front façade of a building. For signs, trees, landscaping and light fixtures, the level of finished ground surface at the base of the sign, tree, plant or fixture.
114. **Greenhouse/Hoophouse.** A temporary or permanent structure where plants are cultivated and that is typically made of, but not limited to, glass, plastic, piping, translucent plastic or fiberglass.
115. **Greenway.** An open space conservation area that provides passive recreational opportunities, pedestrian and/or bicycle paths, and/or the conservation of open spaces or natural areas.
116. **Gross Floor area.** The gross horizontal areas of all floors, measured from the exterior faces of the exterior walls of a building, and any outdoor seating area or patio used by restaurants or bars.
117. **Heavy Equipment Sales and Service.** The retail or wholesale sale or rental of heavy motorized vehicles or equipment, along with service, repair or maintenance such as, but not limited to construction equipment rental yards, tractor-trailers, semi-trailers, buses, and farm equipment.
118. **Heliport.** Any premises used for landing helicopters for loading and unloading of occupants of the aircraft, excluding maintenance and fueling.
119. **Home Improvement Store.** The retail sale of a diverse range of hardware and related materials generally used in the maintenance, repair or construction of buildings or other structures, including lawn and garden supplies, and may include outside display of finished product or packaged materials.
120. **Home Occupation.** An activity carried out for financial gain by a resident, with an approved business license from the City, and conducted entirely within the resident's dwelling unit. Home occupations are accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.
121. **Hospital.** Any institution, building or other premises established for the maintenance, observation, medical or dental care and supervision and skilled nursing care of persons suffering from sickness, disease or injury or for the convalescent or chronically ill persons.
122. **Hotel/Motel.** An establishment offering sleeping accommodations to guests. Hotels may include, as an integral part of operations, a restaurant, bar, conference rooms, banquet or ballrooms, gift shop, recreation facility and a caretaker dwelling.
123. **Illicit Connection.** Any manmade conveyance connecting an illicit discharge directly to the MS4.

124. **Illicit Discharge.** Any discharge that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit, other than NPDES Permit ALS000001, and discharges which are specifically excepted under Chapter 4.
125. **Internment, Cemetery.** Any land used for the interment of the dead which may include buildings for the purpose of preparing the dead for interment or cremation and structures such as mausoleums and columbariums.
126. **Internment, Columbarium.** A structure designed to store the ashes of human remains that have been cremated, in niches or cinerary urns.
127. **Internment, Mausoleum.** A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.
128. **Junkyard, general.** A premises used for the outside storage or placement of used and/or damaged materials and items.
129. **Junkyard, vehicular.** A premises used for the outside placement, storage, parking, dismantling, or disassembling of any disabled or inoperable vehicles, or parts thereof, including, but not limited to motors, tires, wheels, axles, transmissions and other accessories.
130. **Landfill, Sanitary.** A controlled area of land upon which non-hazardous and non medical farm, residential, institutional, commercial or industrial solid waste is deposited and is covered with compacted earth each day as deposited, with no on-site burning of wastes, and so located, contoured, and drained that it will not constitute a source of water pollution as determined by the Alabama Department of Environmental Management (ADEM).
- a. **Private Landfill, Sanitary.** A sanitary landfill that is owned or operated by a private entity, accepts waste generated by that property owner or by approved private sources, and is not open to the general public for disposal.
- b. **Public Landfill, Sanitary.** A sanitary landfill that is owned or operated by a public body, accepts waste from the general public or from multiple generators within its service area, and is managed as a public disposal facility.
131. **Landfill.** A method of compaction and earth cover of solid wastes that does not contain garbage or other putrescible wastes, including, but not limited to, tree limbs and stumps, demolition materials, incinerator residues, and like materials not constituting a health or nuisance hazard, such as hazardous waste or medical waste, where cover need not be applied on a per day used basis.
132. **Landscape Plan.** A document, prepared by an Architect, Landscape Architect or other design professional with special knowledge of landscaping standards, that depicts location, character and extent of landscaping, and shall include plant location, corresponding plant schedule, planting instructions, and must include a combination of shrubs, trees and ground cover.
133. **Laundry Plant.** Any building or structure in which articles of clothing and goods are subjected to the process of dry cleaning, and pressing of such articles.
134. **Legal Non-conforming use.** The use of any building or land which was lawful prior to the adoption or amendment of this Ordinance or does not conform to the amendments of this Ordinance or to the present requirements of the applicable district, or a use that has been granted resumption of legal non-conforming use by the Zoning Board of Adjustment (Board), but that is in compliance with Chapter 9, Article VII.
135. **Livestock Barn.** Any structure or premises used for the boarding, breeding and/or raising of domestic livestock (excluding swine, sheep and goat), whether by owners of such animals or by persons providing facilities and care.

136. **Lot of record.** A lot recorded in the office of the probate judge in the county where it is located prior to the adoption of subdivision regulations. If a portion of a lot or parcel has been conveyed prior to adoption of subdivision regulations, the remaining portion of such lot shall also be considered a lot of record.
137. **Lot width.** The width of the lot at the front building setback line.
138. **Lot, corner.** A lot abutting upon two or more streets at their intersection.
139. **Lot, through.** A lot other than a corner lot abutting two streets.
140. **Lot.** A plot, unit, or other portion of land in a subdivision or plat of land, having its principal frontage on a street, except that cottage subdivisions may have a portion of the units face interior common area and up to 20 percent of lots in character districts may have frontage on a path or passage if such lots have legal and physical vehicular access to a vehicular thoroughfare via driveway or easement, separated from other such portions by description on a record of survey map, for the purpose of ownership, sale, occupancy, use, construction or development, separate from other lands.
141. **Manufactured Home.** A pre-fabricated dwelling unit that must have a Federal Manufactured Home Construction and Safety Standards label, a HUD label of approval and manufactured date later than June 15, 1976, and an Alabama Manufactured Housing Commission insignia and date plate.
142. **Manufacturing, Heavy.** The manufacture or compounding process of raw materials. These activities or processes may necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process, and may generate dust, odor, heat, glare and vibration. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy manufacturing uses include but are not limited to: concrete batch plants; concrete, tile, or brick manufacturing; automobile, truck, and tire assembly; ammonia or chlorine manufacturing; metal casting or foundries; gas manufacturing; grain milling or processing; metal or metal ore production, refining, smelting, or alloying; petroleum or petroleum product refining; boat, pool and spa manufacturing; slaughtering of animals; glass manufacturing; paper manufacturing; manufacturing of raw materials into compost, and wood or lumber processing.
143. **Manufacturing, Light.** The manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. These activities do not necessitate the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Typical light manufacturing uses include but are not limited to: electronic goods; food and bakery products; non-alcoholic beverages; alcoholic beverages; dry cleaning plants; paper imprinting; household appliances; leather products; jewelry; food and bakery products; and, clothing apparel.
144. **Manufacturing, Specialized.** Facilities engaged in the assembly, design, repair, or testing of: analyzing or scientific measuring instruments; semiconductor and related solid state devices, including but not limited to: clocks, integrated microcircuits, jewelry, medical, musical instruments, photographic or optical instruments, or timing instruments, and assembly of hand held finished products or any custom architectural or artisan industry, characterized as light industry, that does not have an ADEM permit for pollution release or noise, odor, illumination, trucking, or other adverse impacts to surrounding uses.
145. **Market Manager.** Individual that is responsible for the operation of a Farmer's and/or Public Market.

146. **Medical Cannabis Cultivator.** An entity licensed by the AMCC (or, as applicable, the Department of Agriculture and Industries) under Ala. Code, 1975, § 20-2A-62, as now or hereafter amended, authorized to grow cannabis pursuant to the Medical Cannabis Act, the AMCC Rules, and the rules of the Alabama Department of Agriculture and Industries at Title 80 of the Alabama Administrative Code, as now or hereafter amended.
147. **Medical Cannabis Dispensary.** An entity licensed by the AMCC under Ala. Code, 1975, § 20-2A-64, as now or hereafter amended, authorized to dispense and sell medical cannabis at dispensing sites to registered qualified patients and registered caregivers pursuant to the Medical Cannabis Act and the AMCC Rules.
148. **Medical Cannabis Integrated Facility.** An entity licensed under Ala. Code, 1975, § 20-2A-67, as now or hereafter amended, authorized to perform the functions of a cultivator, processor, secure transporter, and dispensary pursuant to the Medical Cannabis Act and the AMCC Rules.
149. **Medical Cannabis Processor.** An entity licensed by the AMCC under Ala. Code, 1975, § 20-2A-63, as now or hereafter amended, authorized to purchase cannabis from a cultivator and extract derivatives from the cannabis to produce a medical cannabis product or products for sale and transfer in packaged and labeled form back to the contracting cultivator, if applicable, or to a dispensary site or integrated facility where the packaged and labeled product may be offered for sale at a dispensary site to holders of a valid, unrevoked and unexpired Medical Cannabis Card, pursuant to the Medical Cannabis Act and the AMCC Rules.
150. **Medical Cannabis Secure Transporter.** An entity licensed by the AMCC under Ala. Code, 1975, § 20-2A-65, as now or hereafter amended, authorized to transport cannabis or medical cannabis from one licensed facility or site to another licensed facility or site pursuant to the Medical Cannabis Act and the AMCC Rules.
151. **Medical Cannabis State Testing Laboratory.** An entity licensed under Ala. Code, 1975, § 20-2A-66, as now or hereafter amended, authorized to test cannabis and medical cannabis to ensure the product meets safety qualifications and efficacy requirements pursuant to the Medical Cannabis Act and the AMCC Rules.
152. **Medical Cannabis.** A medical grade product grown and processed within the State of Alabama, in one of the approved forms set forth in Ala. Code, 1975, § 20-2A3(14), as now or hereafter amended, that contains a derivative of cannabis for medical use by a registered qualified patient pursuant to the Medical Cannabis Act and the AMCC Rules.
153. **Medical Lab.** A facility for analytic or diagnostic research or investigation of a medical nature on blood, tissue, or other human or animal components, but not for the production of a product.
154. **Mini-storage Warehouse.** A building or group of buildings containing separate, individual spaces available for lease or rent for storage purposes only.
155. **Mixed-Use Development.** Premises that integrates a combination of retail, office, residential, hotel, recreation or other function.
156. **Mobile Grocery Store.** A motorized vehicle, trailer, or other portable unit drawn by a motorized vehicle from which food items are sold or distributed. The mobile grocery store may not exceed 26 feet in length. No preparation or assembly of food items or beverages may take place from the unit. Food items may include fresh fruit, vegetables, meat, dairy, pantry staples, or small household items. A mobile grocery store shall not be allowed to operate in the City's right-of-way without authorization or permission from the City.

157. **Modulation.** A stepping back or projecting forward of sections of the façade of a structure within specified intervals of structure width and depth, as a means of breaking up the apparent bulk of the continuous exterior walls.
158. **Motor Freight, Distribution.** Facilities engaged in the shipment of goods from shippers to receivers for a charge including the services of other transportation establishments to effectuate delivery.
159. **Natural Area.** A designated space characterized by the presence of native vegetation, wildlife habitats, and natural ecosystems.
160. **Nature Preserve.** A protected area reserved and managed for conservation and to provide special opportunities for study or research.
161. **Nursery.** Any premises used for the retail and wholesale sale of plants grown on or off site, as well as accessory items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels, but not power equipment such as lawnmowers or tractors.
162. **Office Warehouse.** Any building used for the combined uses of office and warehouse, where the office function is the principal use (at least 60% of the gross floor area) of the building, for the primary purpose of wholesale trade, display, and distribution of products.
163. **Office, Institutional.** Any building used as an office for charitable non-profit organizations that may hold meetings on a regular basis, and charity events on a temporary basis.
164. **Office, Leasing/Sales.** The use of a unit or dwelling as a leasing and or sales office for other units solely within that development.
165. **Office.** A room or group of rooms where the principal use is conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communication equipment.
166. **Off-Premise Sign.** Any permanent or temporary sign which directs the attention of the general public to a business, service, product or activity not conducted, offered or sold as a major portion of business upon the premises where such sign is located.
167. **Open Space.** Land not covered by man-made impermeable surfaces, parking or buildings, other than recreational structures, pools, or stormwater facilities, which may be landscaped or preserved in a natural state for private use of owners or guests, or for public access as may be required by the provisions of these regulations or the zoning ordinance.
168. **Opioid Replacement Therapy Treatment Facility.** Any operation that has received a Certificate of Need from the State Health Planning and Development Agency of Alabama to operate a facility to prescribe and/or dispense opioid replacement drugs and offer therapy to individuals and groups as a part of a treatment program. These opioid replacement drugs generally include, but not limited to, methadone, naloxone, naltrexone, and similar types of opioid receptor agonists.
169. **Opioid.** An opioid is a class of addictive narcotic drugs that are often prescribed for severe pain relief but also are frequently used (and abused) illegally to create euphoric states of consciousness. Common types of opioids are heroin, codeine, and morphine.
170. **Outdoor Recreation.** Outdoor recreational activities, whether public or private, that provide opportunities for non-motorized leisure pursuits in a natural or landscaped environment. Such activities may include, but are not limited to, hiking, biking, boating, ziplining, picnicking, camping, fishing, and other similar passive or active recreational pursuits. Water-related or water-dependent uses, including but not limited to boat ramps, docks, piers, and swimming areas, are also included within this category. Activities that are

specifically excluded from this classification are commercial or quasi-commercial ventures such as shooting ranges, racetracks, miniature golf courses, golf driving ranges, or other similar high-impact uses inconsistent with the passive or active nature of outdoor recreation.

171. **Park.** Any facility or property specifically designated as a park, natural area or recreation area that is used for recreational uses or predominately kept in a natural state. Park amenities may include but not limited to picnic and outdoor sitting areas, playgrounds, athletic courts and fields, pools, concessions, administrative and educational buildings, recreation and community centers and special events.
172. **Passenger motor vehicle.** Any motor vehicle, including motorcycles, designed for carrying ten (10) passengers or less and used for the transportation of persons. Tour buses, tractor trailers, recreational vehicles (RVs) and delivery vehicles are not included.
173. **Pawnshop.** Any building or portion thereof where a pawnbroker is engaged in lending money on the security of pledged goods left in pawn, or in the business of purchasing personal property to be left in pawn on the condition it may be redeemed by the seller for a fixed price within a fixed period of time, as regulated by Title 5, Chapter 19A of the Code of Alabama.
174. **Payday Loan (Deferred Presentment) Business.** A business that, in accordance to the requirements and restrictions listed in Chapter 18A of Title 5 of the Code of Alabama (Alabama Deferred Presentment Services Act), involves a transaction pursuant to a written agreement involving the following combination of activities in exchange for a fee:
 - a. accepting a check or authorization to debit a checking account and, in connection with that acceptance, advancing funds to the checking account holder; and
 - b. holding the check or authorization to debit the checking account for a specified period of time.
175. **Personal Care Services.** Services such as, spas, tanning salons, beauty and barber care, and dry cleaning and laundry services not to include a laundry plant.
176. **Personal Instruction.** Services for training individuals or groups in the arts, dance, personal defense, crafts or other subjects of a similar nature.
177. **Place of Worship.** Any structure or site used primarily for religious practices.
178. **Power Plant.** Any structure or land used for the generation of electrical power.
179. **Premises.** A lot, parcel or acreage parcel together with all buildings and structures existing thereon.
180. **Principal Building.** A building that contains the principal use located on a premises.
181. **Principal Entrance.** The main point of access for pedestrians into a Building which shall be located in the Front Yard.
182. **Principal Frontage.** With respect to corner lots, the private frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width. For corner lots, prescriptions for the location of parking in certain lot layers pertain only to the principal frontage and prescriptions for the first lot layer pertain to both frontages of a corner lot. With respect to non-corner lots, principal frontage is synonymous with frontage.
183. **Principal Use.** The main use located in a building or on a premises.
184. **Printing and Publishing.** The production and distribution of books, magazines, newspapers and other printed matter, including record pressing and publishing, and engraving.
185. **Private Club.** A building or portion thereof or premises owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

186. **Private Land Conservation.** Land owned by private entities for the sole purpose of preserving the land for conservation. Examples may include land owned by the Freshwater Land Trust, Birmingham Water Works Board or other non-profit environmental groups.
187. **Public Building.** Any building that is accessible to the public and its operation is funded from public sources.
188. **Public Land Conservation.** Land owned by the City or other government entity, such as the Federal Emergency Management Agency (FEMA) or the Army Corps of Engineers, for the sole purpose of preserving the land for conservation.
189. **Public Market.** Premises where outdoor sales consisting of whole uncut produce, ornamental crops, value-added agricultural products such as baked goods, jams and jellies, pickles and relish, dried fruits, syrups and honey, eggs, meat, nuts, handmade art and crafts and unique local goods. Sales of used clothing, mass produced items and appliances are prohibited.
190. **Racetrack.** Any premises or building that includes a measured course where animals or machines are entered in competition against one another or against time, including tracks that are used for drifting.
191. **Railroad Station.** A building or structure where railroad cars stop to load and un-load passengers.
192. **Railroad Yard.** The use of land, building or structure for activities directly associated with the operation of a railroad such activities may include loading and off-loading of freight, and maintenance and repair of railroad cars.
193. **Recreation Equipment Sales and Service.** The retail or wholesale sale of motorcycles, trucks and vans, recreational vehicles, boats, or similar motorized recreational equipment, along with incidental service or maintenance such as, but not limited to boat dealers, motorcycle dealers, and recreational vehicle dealers.
194. **Recycling (Recovered Materials) Collection Center.** A drop-off facility that is staffed and fenced for the temporary assemblage of small recovered materials or recyclable consumer items, such as food and beverage containers, fabrics and paper, that has waste receptacles on site that are open to the public.
195. **Recycling Facility (Solid Waste Treatment Facility).** A facility, other than a facility open to the public to receive household waste and recyclable material, where any method, technique, or process is utilized to separate, process, modify, convert, treat or otherwise prepare non-putrescible waste so that component materials or substances may be used or reused or sold to third parties for such purposes.
196. **Regional Park.** Large parks that draw visitors from the entire region. A regional park includes a variety of recreational areas and uses, but may also include certain ancillary commercial activities such as cultural & tourist facilities, performance venues, restaurants and lodging.
197. **Reservoir/Water Tank.** A natural or artificial lake or large tank used for collecting and storing water, especially for community water supplies or irrigation.
198. **Resource Extraction.** The extraction of minerals or materials, including rock crushing, screening and the accessory storage of explosives.
199. **Restaurant.** Any establishment where food is prepared and sold for consumption on-site or as take-out.
200. **Retail.** An establishment engaged in the selling or renting of goods or merchandise (usually to the general public for personal use or household consumption, although they may also serve business and institutional clients) and in rendering services incidental to the sale of such goods.

201. **Rummage Sale.** A sale of personal property or other merchandise for the express purpose of raising charitable donations for the benefit of the entity holding the sale by a place of worship, charitable, or civic organization.
202. **Salvage Yard.** Any land or building used for the storage of recovered materials for the purpose of recycling, reuse, or proper storage for future recycling or reuse.
203. **School, Business.** An enterprise offering instruction and training in a service or the arts such as secretarial, cosmetology, commercial artist, computer software, legal, and similar training, provided that such enterprise does not offer student housing or athletic facilities at the site.
204. **School, Elementary/Middle.** Any building used for public primary instruction or a parochial or private school having a curriculum including the same courses ordinarily given in a public school that may include accessory structures such as a gymnasium.
205. **School, High.** Any building used for public secondary instruction or a parochial or private school having a curriculum including the same courses ordinarily given in a public school that may include accessory structures such as a gymnasium or stadium.
206. **School, Trade.** Any building used for the offering of regularly scheduled instruction in technical, commercial or industrial trade skills.
207. **Scientific Lab.** A facility primarily engaged in performing physical, chemical, and other analytical testing services or investigation and experimentation of a scientific nature and other scientific research, but not for the production of a product.
208. **Scrap Metal Processor.** Any building or land used for the storage, purchase or sale of scrap metal which may include the grading, cutting, preparing, processing or refining of scrap metal for sale and shipment to industrial consumers.
209. **Shopfront.** A type of façade that is aligned close to or at the property line with the building entrance at Sidewalk grade. This type is conventional for Retail Use. It has a substantial glazing on the Sidewalk level and may include an awning that may over-lap the sidewalk.
210. **Shopping Center.** A group of commercial-retail establishments planned, developed, owned or managed as a unit with off-street parking provided on the property. Any out-parcel within a shopping center shall be developed under a separate site plan.
211. **Sign.** A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise or identify a person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. Signs do not include merchandise, pictures or models of products or services incorporated in a window display.
212. **Solar Panel, Building Mounted.** A solar energy collection device mounted to a structure.
213. **Solar Panel, Ground Mounted.** A solar energy collection device mounted to the ground.
214. **Solid Waste Transfer Facility.** Any building used to receive and temporarily store solid waste prior to being delivered to a sanitary landfill or other solid waste facility.
215. **Special Exception.** An action where permission is granted to establish that a use be allowed within a district after the Board determines that the use as proposed would not disturb public health, safety, welfare, comfort, convenience, appearance, prosperity or general welfare.
216. **Stable.** Any lot, building, structure or premises used for the boarding, breeding, training, and/or raising of horses, whether by owners of such animals or by persons providing facilities and care.
217. **Stadium.** A large open space with tiers of seating for spectators surrounding a field used for sporting, entertainment or recreational events.

218. **Story.** That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
219. **Street Line.** A dividing line between a lot, tract or parcel of land and an abutting street.
220. **Street Setback.** The distance a building or structure shall be setback from a front, side or rear lot line. Street setback may be referred to as a front, side or rear setback or front, side or rear yard.
221. **Street.** A public right-of-way for movement of motor vehicles, pedestrians or nonmotorized traffic, whether identified as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however designated.
222. **Structural Alterations.** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders; provided, however, that the application of any exterior modernizing shall not be considered a structural alteration.
223. **Structure.** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to buildings, signs, billboards, back stops for tennis courts, fences or radio towers.
224. **Studio, Radio/TV.** A facility for the staging and recording of video or audio productions such as, but not limited to, music commercials, programs, and motion pictures. Any broadcasting antennas or satellites are subject to the regulations of Chapter 4, Article V of this Ordinance.
225. **Subdivision Committee.** A committee composed of five (5) members of the Commission authorized to hear and decide upon applications for subdivisions of land, and to advise the chief legislative body of the City on vacation of public lands and new right-of-way dedications, all such actions to be taken on behalf on behalf of the Commission.
226. **Switching Station.** A facility or installation containing high-voltage electrical switching equipment used to control, route, isolate, or transfer electrical power between transmission or distribution lines. A switching station does not include power transformation equipment designed to change voltage levels, but may include breakers, switches, busbars, protective devices, control systems, and associated support structures.
227. **Tank Farm.** Any land or structure used for the storage of one or more aboveground large containers for the bulk storage of material in liquid, powder or pellet form. Items stored at these facilities are intended to be wholesaled to retailers, and no retailing of stored items can occur on site.
228. **Temporary parking lot.** A parking area to provide temporary (lasting for only a limited period of time that is not permanent) parking spaces for the general public to park passenger motor vehicles for no more than 24 consecutive hours.
229. **Timbering.** Any premises used for the harvesting of timber.
230. **Title Loan Business.** Any business that offers a short term loan that is collateralized by the title of a vehicle in accordance with the requirements and restrictions described and detailed in Chapter 19A of Title 5 of the Code of Alabama (Alabama Pawn Shop Act).
231. **Truck Plaza.** Any building premises or land in which or upon which a business may engage in the service, maintenance or storage of commercial vehicles including dispensing of motor fuel or petroleum products directly into motor vehicles. A truck plaza also may include overnight accommodation, restaurant and truck wash facilities.
232. **Truck Repair, Heavy.** Any building or land used for the general repair or reconditioning of heavy trucks and equipment and engines, including but not limited to body, frame or fender straightening or repair, the reconditioning, repairing, sale, mounting, or installing of any used

tires, painting, or upholstery work, collision repair, vehicle steam cleaning, but excluding the assembly, disassembly, dismantling or salvage of any vehicle, in whole or in part. No abandoned or inoperable vehicles shall be stored on the premises.

233. **Ultimate Build-Out.** The maximum anticipated development intensity, electrical demand, water use, and infrastructure required for a Data Center at full completion, including all planned phases and expansions.
234. **Upholstery Shop.** Any building used for the minor repair of furniture and replacement of upholstery to household and office furnishings, but does not include motor vehicle upholstering or repair.
235. **Urban Farm, Indoor.** An enclosed commercial farm that produces and distributes food crops, ornamental crops and other agriculture products for sale on site or off site utilizing hydroponics or aquaculture, and is completed enclosed within a building. Outside storage is prohibited.
236. **Urban Farm, Outdoor.** An outdoor commercial farm that produces and distributes food crops, ornamental crops and other agriculture products, such as honey, either for sale on site or off site utilizing traditional farming methods, hydroponics or aquaculture.
237. **Urban Grocery.** Small market that provides a variety of fresh foods and sundries in an urban environment within walking distance to neighborhoods. Auto dependent uses such as, gas stations and drive throughs are not allowed.
238. **Utility Substation.** A facility that regulates electric current, telephone switching or natural gas pressure for distribution to individual neighborhoods.
239. **Variance.** A departure from any provision of this Ordinance for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel. A variance is intended to be granted on rare occasions, when demonstration of unnecessary hardship based on the review standards set forth in Chapter 9, Article VI in relation to other properties in the same zoning district.
240. **Veterinarian Clinic.** An enterprise for the medical treatment of animals and for the temporary, indoor overnight boarding, care, grooming and convalescence of domesticated dogs and cats.
241. **Warehouse.** A facility used primarily for the bulk storage of goods and materials or motor vehicles, characterized by heavy trucking activity, but not involved in manufacturing or production.
242. **Wholesale.** The sale or distribution of goods from the premises that may consist of the flexible use of the floor area for warehouse, assembly, showroom and office space.
243. **Wireless Communication.** Towers, antennas and accessory buildings for transmitting and receiving radio, television, satellite, cellular and microwave, and broadcast tower.
244. **Wrecker Impound Lot.** Any land used for the outside storage of operable vehicles awaiting final disposition.
245. **Wrecker Service Yard.** Any land used for the temporary outside storage of disabled vehicles awaiting final disposition. This definition shall not be applicable to junkyards as defined herein.
246. **Yard, front.** A yard extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

247. **Yard, rear.** A yard extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
248. **Yard, Required.** A yard the depth of which is specified in Chapter 3: Area and Dimensional Regulations of the applicable district.
249. **Yard, side.** A yard extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.
250. **Yard.** An open space between a building or use and the adjoining lot lines, unoccupied and unobstructed by any structure or use from the ground upward, except as otherwise provided in Chapter 3: Area and Dimensional Regulations.
251. **Zoning Advisory Committee.** A committee composed of seven members of the Commission authorized to approve site development plans, hear and recommend rezoning of land applications and Zoning Ordinance text changes to advise the chief legislative body of the City, all such actions to be taken on behalf of the Commission.
252. **Zone map.** The map referred to in Chapter 9, Article I (Official Zoning Map).
253. **Zoning district map.** The Zone Map.
254. **Zoo.** Any premises, building or enclosure which contains wild animals on exhibition for viewing by the public.

SECTION 2. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 2, Article II: Permitted Uses Table, Section 6: Permitted Use Table, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

TABLE 1.02.201 PERMITTED USES																							
Zoning District	Dwelling Districts					Urban Neighborhood District	Mixed Use Districts				Comm. Districts		Manufacturing & Industrial Districts				Other Districts			Open Space Districts			
	D-1	D-2	D-3	D-4	D-5	UN	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PR D	MXD/PUD	HID	AG	OS-NG	OS-RP	OS-NA
DWELLING USES:																							
Dwellings:																							
Single-Family Detached	P	P	P	P	P	PC	P	P	X	X	X	X	X	X	X	X	PCP	PMP	P	X	X	X	
Townhouse	X	X	X	PC	PC	PC	PC	PC	P	P	P	X	X	X	X	X	PCP	PMP	X	X	X	X	
Duplex/Triplex/Quadplex	X	X	X	P	P	P	P	P	X	X	P	SE	X	X	X	X	PCP	PMP	X	X	X	X	
Multiplex (5 - 12 units)	X	X	X	P	P	P	P	P	P	P	P	P	X	X	X	X	PCP	PMP	X	X	X	X	
Multiple Family (13 or more units)	X	X	X	X	P	X	X	P	P	P	X	P	X	X	X	X	PAC	PCP	PMP	X	X	X	
Manufactured Housing	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	SE	PCP	X	PC	X	X	
Communal Living Facility	X	X	X	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	
Conservation Subdivision	P	P	P	X	X	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Cottage Development	X	X	X	P	P	P	P	P	X	X	P	X	X	X	X	X	X	X	X	X	X	X	
Dwelling, Caretaker	X	X	X	X	X	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PCP	PMP	X	X	PMP	X
Dwelling, Accessory	X	X	X	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	X	X	X	X	X	X	
Dwelling Unit, Live/Work	X	X	X	X	X	SE	P	P	P	P	P	P	X	X	X	X	X	PCP	PMP	P	X	X	
Associated Dwelling Uses:																							
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PMP	P	X	X	X	
Garage Sale/Yard Sale	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	PAC	PMP	PAC	X	X	X	
Home Occupations	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	PAC	PMP	PAC	X	X	X	
Residential Compost Pile	PAC	PAC	PAC	PAC	X	PAC	PAC	X	X	X	X	X	X	X	X	X	X	PMP	PAC	X	X	X	
Temporary Storage	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	X	X	X	X	X	PAC	X	PAC	X	X	X	

EDUCATIONAL/INSTITUTIONAL/ CIVIC USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/PUD	HID	AG	OS-NG	OS-RP	OS-NA
Adult Care Center	X	X	X	X	SE	X	PC	PC	PC	PC	PC	PC	X	X	X	X	PC	PCP	PMP	PC	X	X	X
Child Care Center	X	X	X	X	PC	X	PC	PC	PC	PC	PC	PC	PC	X	X	X	PC	PCP	PMP	PC	X	X	X
Family Day/Night Care Home	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	X	X	X	PC	PMP	PC	X	X	X
Family Group Day/Night Care Home	X	X	X	SE	PC	X	PC	PC	PC	PC	PC	PC	X	X	X	X	X	X	PMP	PC	X	X	X
Accessory Child Care Center	PA C	PA C	PA C	PA C	PA C	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	PA C	SE	PMP	PA C	X	X	X
College or University	X	X	X	X	X	X	X	P	P	P	X	P	X	X	X	X	X	PCP	PMP	X	X	X	X
Fraternity/Sorority House	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PCP	PMP	X	X	X	X
Institutional Office	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	X	X	X	X	X	PCP	PMP	X	X	X	X
Internment, Cemetery	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	X	X	X	X	X	SE	X	SE	X	X	X
Internment, Columbarium	PA C	PA C	PA C	PA C	PA C	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	X	PAC	PMP	PAC	X	X	X
Internment, Mausoleum	PA C	PA C	PA C	PA C	PA C	X	X	X	X	X	X	X	X	X	X	X	X	PAC	X	PAC	X	X	X
Personal Instruction	PC	PC	PC	PC	PC	PC	P	P	P	P	P	P	X	X	X	X	P	PCP	PMP	P	X	X	X
Place of Worship	SE	SE	SE	SE	PC	SE	SE	PC	PC	PC	SE	PC	X	X	X	X	X	PCP	PMP	PC	X	X	X
Private Club	X	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	PCP	PMP	P	X	X	X
Public Building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X	P	PCP	P	P	PMP	PMP	PMP
Rummage Sale	PA C	PA C	PA C	PA C	PA C	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	X	X	PAC	X	PA C	X	X	X
School, Business	X	X	X	X	X	X	PC	P	P	P	P	P	P	P	P	X	P	PCP	PMP	X	X	X	X
School, Elementary/Middle	SE	SE	SE	SE	PC	SE	SE	PC	PC	PC	SE	PC	X	X	X	X	X	PCP	PMP	X	X	X	X
School, High School	SE	SE	SE	SE	PC	SE	SE	PC	PC	PC	SE	PC	X	X	X	X	X	PCP	PMP	X	X	X	X
School, Trade	X	X	X	X	X	X	X	X	SE	SE	X	SE	P	P	P	X	SE	PCP	PMP	X	X	X	X
MEDICAL USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/PUD	HID	AG	OS-NG	OS-RP	OS-NA
Clinic	X	X	X	X	X	X	PC	P	P	P	PC	P	P	P	P	X	X	PCP	PMP	X	X	X	X
Hospital	X	X	X	X	X	X	X	SE	P	P	X	P	P	X	P	X	X	PCP	PMP	X	X	X	X
Medical Cannabis Cultivator	X	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	X	X	X	PC	X	X	X
Medical Cannabis Dispensary	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	X	X	X	X	X	X	X
Medical Cannabis Integrated Facility	X	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	X	X	X	X	X	X	X
Medical Cannabis Processor	X	X	X	X	X	X	X	X	PC	PC	X	X	PC	PC	PC	X	X	X	X	X	X	X	X
Medical Cannabis Secure Transporter	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	X	X	X	X	X	X	X
Medical Cannabis State Testing Laboratory	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	X	X	X	X	X	X	X
Medical Lab	X	X	X	X	X	X	X	P	P	P	SE	P	P	P	P	X	X	PCP	PMP	X	X	X	X
Scientific Lab	X	X	X	X	X	X	X	X	SE	SE	X	SE	P	P	P	X	X	PCP	PMP	X	X	X	X
Veterinarian Clinic	X	X	X	X	X	X	X	PC	PC	PC	X	PC	PC	PC	PC	X	PC	PCP	PMP	PC	X	X	X

COMMERCIAL USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-IMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-MA
Accessory Data Center	X	X	X	X	X	X	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	PCP	PAC	X	X	X	X
Animal Boarding Facility	X	X	X	X	X	X	X	PC	PC	PC	X	PC	PC	PC	X	PC	PCP	PMP	PC	X	X	X
Animal Day Care	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PMP	PC	X	X	X
Animal Kennel	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	PC	PCP	X	PC	X	X	X
Appliance Repair	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	X	X	PCP	X	X	X	X	X
Automobile Parking, Surface Lot	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	PC	P	PC	PCP	PMP	X	X	X	X
Automobile Parking, Structure	X	X	X	X	PC	X	X	PC	PC	PC	PC	PC	PC	PC	PC	PC	PCP	PMP	X	X	X	X
Automobile Sales	X	X	X	X	X	X	X	X	PC	PC	X	P	P	P	X	X	PCP	X	X	X	X	X
Automobile Service	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	PC	X	X	PCP	PMP	X	X	X	X
Automobile/Light Truck Repair	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	X	PC	PCP	X	X	X	X	X
Bakery, Retail	X	X	X	X	X	SE	PC	P	P	P	P	P	P	X	P	PCP	PMP	X	X	X	X	X
Bakery, Wholesale	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X	X	X	X
Bar	X	X	X	X	X	X	PC	P	P	X	P	P	X	X	P	PCP	X	X	X	X	X	X
Bed and Breakfast Inn	X	X	X	X	X	PC	PC	PC	P	P	PC	P	X	X	X	X	PCP	PMP	P	X	X	X
Bed & Breakfast Inn, Historic	SE	SE	SE	PC	PC	PC	PC	X	X	X	X	X	X	X	X	X	PCP	PMP	X	X	X	X
Business Service	X	X	X	X	X	X	PC	P	P	P	P	P	P	X	P	PCP	PMP	X	X	X	X	X
Car Wash, Automated	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	X	PC	PCP	X	X	X	X	X
Car Wash, Manual	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	X	PC	PCP	PMP	X	X	X	X
Convenience Store	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	X	PC	PCP	PMP	X	X	X	X	X
Donation Box	X	X	X	X	X	X	PAC	PAC	PAC	PAC	PAC	PAC	X	X	X	PAC	PMP	X	X	X	X	X
Donation Center	X	X	X	X	X	X	X	X	P	P	X	P	P	X	X	X	PCP	PMP	X	X	X	X
Dressmaker/Tailor/Millinery	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	PCP	PMP	X	X	X	X
Drive-In/Drive-Through	X	X	X	X	X	X	PAC	PAC	PAC	X	PAC	PAC	PAC	X	PAC	PAC	PMP	X	X	X	X	X
Electronics Repair	X	X	X	X	X	X	P	P	P	P	P	P	P	X	X	X	PCP	PMP	X	X	X	X
Event Center	X	X	X	X	X	X	X	SE	SE	SE	X	SE	P	X	X	X	SE	PCP	X	X	X	X
Financial Institution	X	X	X	X	X	X	P	P	P	P	P	P	P	P	X	P	PCP	PMP	X	X	X	X
Fitness Center	X	X	X	X	X	X	PC	P	P	P	PC	P	P	P	X	P	PCP	PMP	X	X	X	X
Funeral Home	X	X	X	X	X	X	X	P	P	X	P	P	P	P	X	X	PCP	X	X	X	X	X
Furniture Store	X	X	X	X	X	X	X	P	P	P	P	P	P	X	X	X	PCP	X	X	X	X	X
Grocery Store	X	X	X	X	X	X	PC	P	P	P	PC	P	X	P	X	P	PCP	P	P	X	X	X
Grocery, Urban	X	X	X	X	X	SE	PC	P	P	PC	P	P	X	P	X	P	PCP	P	X	X	X	X
Home Improvement Center	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	X	X	PCP	X	X	X	X	X
Hotel	X	X	X	X	X	X	X	P	P	X	P	P	X	P	X	PC	PCP	PMP	X	X	X	X
Market, Outdoor Farmer's	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	X	PC	PCP	PMP	PC	PC	PC	X
Market, Flea	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	PCP	X	X	X	X	X
Market, Outdoor Public	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PMP	PC	PC	PMP	X	X
Medium Data Center	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	X	X	PCP	X	X	X	X
Mirco Data Center	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	PC	X	X	PCP	PMP	X	X	X	X
Mini-Storage Warehouse	X	X	X	X	X	X	X	X	X	X	SE	PC	PC	P	X	X	PCP	X	X	X	X	X
Mobile Grocery Store	PA C	PA C	PA C	PA C	PA C	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PC	PC	PC	PAC	PAC	X
Nursery	X	X	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PCP	PMP	PC	X	X	X
Office	X	X	X	X	X	SE	P	P	P	P	P	P	P	X	P	PCP	PMP	X	X	PMP	X	X
Office, Leasing/Sales	PC	PC	PC	PC	P	X	P	P	P	P	P	X	X	X	PC	PCP	PMP	PC	X	X	X	X
Payday Loan	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	X	X	X	X	X	X	X	X
Personal Care Services	X	X	X	X	X	SE	P	P	P	P	P	P	P	X	X	P	PCP	PMP	X	X	X	X
Recreation Equipment Sales/Service	X	X	X	X	X	X	X	X	X	X	P	P	P	P	X	P	PCP	X	X	X	X	X
Restaurant	X	X	X	X	X	SE	P	P	P	P	P	P	P	X	P	PCP	PMP	X	PMP	PMP	X	X
Retail	X	X	X	X	X	SE	PC	P	P	PC	P	P	P	X	P	PCP	PMP	X	PMP	PMP	X	X
Shopping Center	X	X	X	X	X	X	X	X	X	PC	P	P	P	X	P	PCP	PMP	X	X	X	X	X
Title Loan/Pawnshop	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	X	X	X	X	X	X	X	X
Upholstery Shop	X	X	X	X	X	X	P	P	P	P	P	P	P	PC	X	X	PCP	X	X	X	X	X

COMMUNICATION USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRO	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Printing and Publishing	X	X	X	X	X	X	PC	PC	P	P	PC	P	P	P	X	X	PCP	PMP	X	X	X	X	
Studio, Radio/TV	X	X	X	X	X	X	PC	PC	P	P	PC	P	P	P	X	X	PCP	PMP	X	X	X	X	
Wireless Communication:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRO	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Broadcast Satellite	X	X	X	X	X	X	X	X	AR	X	SE	AR	AR	AR	AR	AR	SE	SE/AR	AR	AR	X	X	X
Broadcast Tower	X	X	X	X	X	X	X	X	X	X	X	SE	SE	SE	SE	SE	SE/AR	X	SE	X	X	X	X
Cellular, Microwave or Two-Way Antennas	AR	AR	AR	AE	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	AR	SE/AR	AR	AR	X	X	X	X
Cellular, Microwave or Two-Way Towers	SE	SE	SE	AR	SE	SE	SE	SE	AR	X	SE	AR	AR	AR	AR	AR	SE/AR	SE	AR	X	X	X	X
Fiber Hut or ILA	SE	SE	SE	SE	SE	SE	PAC	PAC	PAC	PAC	PAC	PC	PC	PC	X	PAC	PCP	PAC	SE	X	X	X	X
MANUFACTURING & INDUSTRIAL USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRO	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Brew Pub	X	X	X	X	X	X	PC	PC	PC	PC	PC	P	P	P	X	PC	PCP	X	X	X	X	X	X
Brewery	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X	X	X	X	X
Brewery, Micro	X	X	X	X	X	X	X	PC	PC	PC	X	X	P	P	P	X	PC	PCP	X	X	X	X	X
Contractor Yard	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X	X	X	X	X
Dairy, Factory	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	P	X	X	X	X
Dairy, Farm	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PCP	X	P	X	X	X	X
Distillery	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X	X	X	X	X
Distillery, Artisanal	X	X	X	X	X	X	X	PC	PC	PC	X	X	P	P	P	X	PC	PCP	X	X	X	X	X
Heavy Equipment, Sales and Service	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	X	X	X	X	X	X
Hyperscale Data Center	X	X	X	X	X	X	X	X	X	X	X	SE-PC	PC	PC	X	X	SE-PCP	X	X	X	X	X	X
Junk Yard, General	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	X
Junk Yard, Vehicular	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	X
Manufacturing, Heavy	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	X
Manufacturing, Light	X	X	X	X	X	X	X	X	X	X	X	PC	PC	P	X	X	PCP	X	X	X	X	X	X
Manufacturing, Specialized	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	P	X	X	PCP	X	X	X	X	X
Resource Extraction	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X
Motor Freight, Distribution	X	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	PCP	X	X	X	X	X	X
Salvage Yard	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	X
Scrap Metal Processor	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	X
Tank Farm	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	X
Timbering	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	PC	X	X	X	X
Truck Plaza	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X
Truck Repair, Heavy	X	X	X	X	X	X	X	X	X	X	X	P	P	PC	X	X	X	X	X	X	X	X	X
Warehouse	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	X	PCP	PMP	X	X	X	X	X
Warehouse/Office	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	X	PCP	X	X	X	X	X	X
Wrecker Service w/outside storage of disabled vehicles	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	X
Wrecker Impound Lot	X	X	X	X	X	X	X	X	X	X	X	SE	PC	X	X	X	X	X	X	X	X	X	X

AGRICULTURAL USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Apiary	PA C	PA C	PA C	PA C	PA C	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	PA C	X	PA C	PAC	PMP	P	P	P	P	
Chicken Coop	PA C	PA C	PA C	X	X	X	X	X	X	X	SE	SE	SE	SE	X	X	X	X	PAC	X	X	X	
Community Garden	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	X	PC	PC	PMP	P	PC	PC	X	
Dairy Farm	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X
Livestock Barn	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	X	PAC	X	PMP	X	
Market Stand	PA C	PA C	PA C	PA C	PA C	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	X	X	PAC	X	X	PAC	PAC	X	
Poultry/Rabbit Farm	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	
Stable/Ranching	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PAC	X	X	P	X	PMP	X	
Urban Farm, Indoor	X	X	X	X	X	X	X	P	P	P	X	P	P	PC	X	PC	PCP	X	P	X	X	X	
Urban Farm, Outdoor	X	X	X	X	X	X	X	X	X	SE	PC	PC	PC	X	PC	PCP	X	P	X	X	X	X	
TRANSPORTATION USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Airport	X	X	X	X	X	X	X	X	X	X	X	X	X	SE	X	X	X	X	X	X	X	X	X
Bus Station	X	X	X	X	X	PC	PC	PC	PC	X	PC	PC	X	PC	X	X	PCP	PMP	X	X	X	X	
Heliport	X	X	X	X	X	X	X	X	SE	SE	X	SE	SE	SE	X	SE	X	PMP	X	X	X	X	
Railroad Station	X	X	X	X	X	X	X	X	PC	X	X	PC	PC	X	X	X	X	X	X	X	X	X	
Railroad Yard	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
UTILITY USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Power Plant	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	X	X	
Utility Substation	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	P	P	SE	SE	SE	SE	X	X	X	
Reservoir/Water Tank	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	X	SE	SE	SE	SE	X	X	PC	
Solar Panel, Building Mounted	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	PC	PCP	PC	PC	PC	PC	PC	
Solar Panel, Ground Mounted	X	X	X	X	PC	PC	PC	PC	PC	PC	PC	P	P	P	P	PC	PCP	PC	PC	PC	PC	PC	
Waste Water Treatment Plant	X	X	X	X	X	X	X	X	X	X	X	X	SE	X	SE	X	X	X	X	X	X	X	
Water Treatment Plant	X	X	X	X	X	X	X	X	X	X	X	SE	SE	SE	X	SE	X	X	SE	X	X	PC	
Water/Sewer Pumping Station	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	X	X	X	
WASTE MANAGEMENT USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-LMU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Composting Facility	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	PC	X	X	X	PC	X	X	X	
Landfill	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	PC	X	X	X	X	X	X	X	
Landfill, Sanitary (Private)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	
Landfill, Sanitary (Public)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	X	X	X	X	X	X	
Recycling Collection Center	X	X	X	X	X	X	X	X	PC	PC	X	PC	P	P	X	X	X	PCP	PMP	X	X	X	
Recycling Facility	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	PC	X	X	X	X	X	X	X	
Solid Waste Transfer Facility	X	X	X	X	X	X	X	X	X	X	X	X	PC	X	PC	X	X	X	X	X	X	X	

RECREATION/ENTERTAINMENT USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
	Adult Establishment	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	X	X	X	X	X	X	X	X	X
Amphitheater	PAC	PAC	PAC	PAC	PAC	X	PAC	PC	PC	PC	PAC	PC	X	X	X	X	P	PCP	PMP	X	PAC	PAC	X	X
Arena	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PC	PC	X	PC	PC	X	X	X	PC	PCP	PMP	X	X	X	X	X
Amusement, Indoor	X	X	X	X	X	X	PC	P	P	P	PC	P	P	X	P	X	P	PCP	X	X	X	X	X	X
Amusement, Outdoor	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	PC	PC	X	PC	PCP	PMP	X	X	X	X	X
Convention Center	X	X	X	X	X	X	X	X	PC	PC	X	PC	PC	X	X	X	PC	PCP	PMP	X	X	X	X	X
Country Club Golf/Swim	P	P	P	P	P	X	P	P	P	P	P	P	P	P	X	P	P	PCP	PMP	P	X	X	X	X
Drive-In Movie	X	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	P	PCP	X	X	X	X	X	X
Driving Range Free-Standing	X	X	X	X	X	X	X	X	X	X	X	PC	PC	PC	X	X	PC	PCP	X	X	X	X	X	X
Stadium	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PAC	PC	PC	X	PC	PC	X	X	X	PC	PCP	PMP	X	SE	X	X	X
Zoo	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	P	X	X	PMP	X
OPEN SPACE USES:	D-1	D-2	D-3	D-4	D-5	UN	MU-L	MU-M	MU-H	MU-D	C-1	C-2	I-1	I-2	I-3	I-4	PRD	MXD/ PUD	HID	AG	OS-NG	OS-RP	OS-NA	
Forest Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PCP	PMP	P	P	PMP	PC	PC
Natural Area	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P
Nature Preserve	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P
Outdoor Recreation	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	PMP	P	P	PMP	PC	PC
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	PCP	PMP	P	P	PMP	PC	PC
Private Land Conservation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P
Public Land Conservation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	P
Regional Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	PMP	X

NOTES :

- In addition to all other provisions of this Ordinance, Wireless Communication Facilities shall comply with the specified provisions of Chapter 4, Article V, Section 1 of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the HID district shall comply with the specified provisions of Chapter 4, Article V, Section 3 of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the PRD district shall comply with the specified provisions of Chapter 4, Article V, Section 4 of this Ordinance.
- In addition to all other provisions of this Ordinance, construction of walls and fences shall comply with the specified provisions of Chapter 4, Article V, Section 5 of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the I-3 district shall comply with the specified provisions of Chapter 4, Article V, Section 6 of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the MXD district shall comply with the specified provisions of Chapter 4, Article V, Section 7 of this Ordinance.
- In addition to all other provisions of this Ordinance, property zoned with a preceding Q shall comply with the specified provisions of Chapter 4, Article V, Section 8 of this Ordinance.
- In addition to all other provisions of this Ordinance, property zoned with a preceding C shall comply with the specified provisions of Chapter 4, Article V, Section 9 of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the HZD district shall comply with the specified provisions of Chapter 4, Article V, Section 10 of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the a flood plain zone district shall comply with the specified provisions of Chapter 8, Article II, of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the US Highway 280 overlay district shall comply with the specified provisions of Chapter 8, Article III, of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within the highland park neighborhood form based overlay district shall comply with the specified provisions of Chapter 8, Article IV, of this Ordinance.
- In addition to all other provisions of this Ordinance, developments within any historic or commercial revitalization district shall comply with the specified provisions of the Design Guidelines for the City.
- In addition to all other provisions of this Ordinance, developments that require a special exception shall meet the conditions of the specified use as described in Chapter 4, Article III and comply with the specified provisions of Chapter 9, Article V of this Ordinance.
- In addition to all other provisions of this Ordinance, non-conforming uses shall comply with the specified provisions of Chapter 9, Article VII of this Ordinance.
- In addition to all other provisions of this Ordinance, site plans for development shall comply with the specified provisions of Chapter 9, Article III of this Ordinance.
- In addition to all other provisions of this Ordinance, when a property owner requests a variance from the regulations contained in this Ordinance, they shall comply with the specified provisions of Chapter 9, Article VI of this Ordinance.
- Cottage Developments and Conservation Subdivisions are alternative development patterns that may be applied to single-family development as described in Chapter 3, Article II.
- In addition to all other provisions of this Ordinance, when a property owners requests a rezoning of property, they shall comply with the specified provisions of Chapter 9, Article II of this Ordinance.
- In addition to all other provisions of this Ordinance, signs shall be regulated by the provisions of Chapter 4, Article IV, Section 11.
- In addition to all other provisions of this Ordinance, all developments shall comply with the general regulations of Chapter 1, Article II of this Ordinance.

SECTION 3. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 4, Article II: Uses Permitted with Conditions (PC), Section 5. Commercial Uses, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 5. Commercial uses.

A. **Animal Boarding Facility.** In the following districts: AG, MU-M, MU-H, MUD, C-2, I-1, I-2, I-3 and PRD an animal boarding facility shall be permitted provided that the following conditions are met:

1. Outdoor exercise yards shall be permitted provided that they are completely fenced and used only between seven a.m. and seven p.m. when a staff person of the facility is present in the exercise yard. Where such outdoor activities abut a dwelling zone district or district permitting dwelling use, a 50-foot setback is required.
2. No outdoor kennels or runs are permitted.
3. No part of any building or structure in which animals are housed shall be closer than 50 feet from any existing residence located on an adjacent parcel.
4. All on-site waste shall be housed either within the boarding facility or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

B. **Animal Day Care.** In the following districts: AG, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3 AND PRD an animal day care shall be permitted provided that the following conditions are met:

1. Building size is limited to 7,500 square feet in the MU-L and C-1 districts.
2. Outdoor exercise yards shall be permitted provided that they are completely fenced and used only between seven a.m. and seven p.m. when a staff person of the day care is present in the exercise yard. Where such outdoor activities abut a dwelling zone district or district permitting dwelling use, a 50-foot setback is required.
3. No outdoor kennels or runs are permitted.
4. No part of any building or structure in which animals are housed shall be closer than 50 feet from any existing residence located on an adjacent parcel.
5. All on-site waste shall be housed either within the day care building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

C. **Animal Kennel.** In the: AG, I-1, I-2, I-3, and PRD districts an animal kennel shall be permitted provided that the following conditions are met:

1. No part of any building, structure or run in which animals are housed or kept shall be less than 500 feet from any existing residence located on an adjacent parcel.
2. Enclosures must be provided which shall allow adequate protection against weather extremes and are covered to prevent waste from entering storm drains. Floors of buildings, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.
3. All on-site waste shall be housed either within the kennel building or an accessory structure, and all waste shall be disposed of in a sanitary fashion no less frequently than one time per week. The drainage of all liquid by-products shall be discharged into a permitted sanitary sewer line or septic tank and shall not be disposed of by way of storm sewers, creeks, streams or rivers.

D. **Appliance Repair.** In the following districts: MU-H, MU-D and C-2 an appliance repair shop shall

be permitted provided that the following conditions are met:

1. All storage of items to be repaired and all materials used to make repairs must be stored either within the primary building or an accessory structure.

E. **Automobile Parking, Surface Lot.** In the following districts: C-1, C-2, I-1, I2, I-3, and PRD an automobile parking surface lot shall be permitted provided that the following conditions are met:

1. The required parking areas for commercial uses may be constructed using pervious concrete, grass over supporting plastic/concrete grids, or any other pervious surface approved by the City Engineer and the Stormwater Management Division to help reduce the amount of impervious surface on the site. The alternative parking surface should be installed according to the manufacturer's installation instructions.
2. When adjacent to dwelling zone districts, a landscape buffer yard shall be applied along common property lines per Chapter 6, Article III of this Ordinance.

F. **Automobile Parking, Structure.** In the following districts: D-5, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, and PRD an automobile parking structure shall be permitted provided that the following conditions are met:

1. In the D-5 district, all automobile parking structures must be screened with a liner building.
2. In the MU-M, MU-H, MU-D, C-1, C-2, and PRD districts, all automobile parking structures must meet the following conditions:
 - a. Either the parking structure shall be screened with a liner building or the first floor of the structure must have a minimum of 75% floor area at ground level for retail space or the first-floor height shall be a minimum of 14 feet with the ability to be converted into retail space.
 - b. Automobile access to parking, loading docks and service doors shall be designed to limit disruptions to urban, multi-modal traffic and be located at the rear of the building that abuts the alley or as near to the alley as possible at an existing curb cut or as determined by the Birmingham Department of Transportation.
 - c. Frontage Façade Standards:
 1. Frontage Façade Buildout – 60% minimum.
 2. Main pedestrian entrance must be along frontage façade and as near to the corner of an intersecting street as possible.
 3. Building must be parallel to frontage lines.
 4. Blank walls are not permitted at frontage.
 5. Frontage façade void area – 20% to 60% of total frontage façade.
 6. Area Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart.
 7. Frontage façade glazing: 70% for shopfront.
 8. Upper floor openings and other features must be aligned with some component of first floor.
 9. To maintain urban fabric and context, frontage facades shall be designed utilizing materials that are compatible to adjacent buildings.
3. In the I-1 and I-2 districts, any automobile parking structure located in a Commercial Revitalization District or Historic District must meet the following conditions:
 - a. Either the parking structure shall be screened with a liner building or the first floor of the structure must have a minimum of 75% floor area at ground level for retail space or the first-floor height shall be 84 a minimum of 14 feet with the ability to be converted into retail space.
 - b. Automobile access to parking, loading docks and service doors shall be designed to limit disruptions to urban, multi-modal traffic and be located at the rear of the building that abuts the alley or as near to the alley as possible at an existing curb cut

or as determined by the Birmingham Department of Transportation.

c. **Frontage Façade Standards:**

1. Frontage Façade Buildout – 60% minimum.
2. Main pedestrian entrance must be in frontage façade or of principal frontages.
3. Building must be parallel to frontage lines.
4. Blank walls are not permitted at frontage.
5. Frontage façade void area – 20% to 60% of total frontage façade area.
6. Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart.
7. Frontage façade glazing: 70% for shopfront.
8. Upper floor openings and other features must be aligned with some component of first floor.
9. To maintain urban fabric and context, frontage facades shall be designed utilizing materials that are compatible to adjacent buildings.

G. **Automobile Sales.** In the MU-H and MU-D districts automobile sales shall be permitted provided that all vehicles being sold on the premises are stored indoors.

H. **Automobile Service.** In the following districts: C-1, C-2, I-1, I-2, I-3, PRD and MXD an automobile service shop shall be permitted provided that the following conditions are met:

1. No visibly disabled, abandoned or inoperable vehicles shall be stored on the premises.
2. No vehicle to be serviced shall remain on the premises more than fifteen days.

I. **Automobile/Light Truck Repair.** In the following districts: C-2, I-1, I-2, I-3, PRD AND MXD an automobile service shop shall be permitted provided that the following conditions are met:

1. No visibly disabled, abandoned or inoperable vehicles shall be stored on the premises.
2. No vehicle to be repaired shall remain on the premises more than thirty days.
3. In the C-2, PRD and MXD districts no auto repair activity shall occur outdoors.
4. In MXD districts an automobile/light truck repair shall only be allowed, when a conceptual plan has been approved that allows for the use within a designated subarea and Commercial Use Group 3.

J. **Bakery, Retail.** In the MU-L district, a retail bakery may be permitted provided that the following conditions are met:

1. Bakery shall be limited to 7,500 square feet of gross floor area.

K. **Bar.** In the MU-L district, a bar may be permitted provided that the following conditions are met:

1. Bar shall be limited to 7,500 square feet of gross floor area.
2. There shall be no outdoor amplified music or soundstage.
3. Hours of operation shall be limited to 11:00 a.m. to 12:00 a.m.

L. **Bed and Breakfast Inn.** In the following districts: UN, MU-L, MU-M and C-1 a bed and breakfast inn shall be permitted provided that the following conditions are met:

1. In the MU-L district a bed and breakfast inn shall be limited to 35 feet in height, four or fewer furnished sleeping rooms shall be provided, and no receptions, meetings or other functions shall be allowed on the premises.
2. In the MU-M district a bed and breakfast inn shall be limited to 55 feet in height.
3. Meals may be provided to overnight guests only.
4. Parking shall be provided in a side or rear yard.
5. Signage is limited to one 6 square foot sign that is either attached to the building or a freestanding sign that is a maximum of four feet in height.

M. **Bed and Breakfast Inn, Historic.** In the following districts: D-4, D-5, UN, MU-L, a bed and breakfast inn shall be permitted provided that the following conditions are met:

1. Four or fewer furnished sleeping rooms shall be provided.
2. The bed and breakfast inn is an owner-occupied dwelling and a contributing property in a

local historic district or is another historically significant structure that is listed on the National Register of Historic Places.

3. Meals may be provided to overnight guests only.
4. Parking shall be provided in a side or rear yard, and all required off-street parking spaces shall be screened by landscaping or other suitable opaque barrier from adjacent residences.
5. Signage is limited to one 6 square foot sign that is either attached to the building or a freestanding sign that is a maximum of four feet in height.
6. No retail sale of goods or merchandise will be allowed on the premises.
7. No receptions, meetings or other functions shall be allowed on the premises.
8. No required off-street parking shall be allowed in the required front yard.

N. **Business School.** In the MU-L district a business school shall be permitted provided that it shall be limited to 7,500 square feet.

O. **Business Service.** In the MU-L district, a business service may be permitted provided that it shall be limited to 7,500 square feet of gross floor area.

P. **Carwash, Automated.** In the following districts: C-2, I-1, I-2, I-3, PRD AND MXD an automated carwash shall be permitted provided that the following conditions are met:

1. All vacuum and blower equipment shall be located 150 feet from any dwelling district.
2. All washing facilities shall be located within a building which is enclosed except those openings necessary for vehicular and pedestrian access. Such openings shall not face any adjacent property zoned for dwellings.
3. If located within 100 feet of a dwelling zone district, operation of the establishment shall be prohibited prior to eight a.m. or after nine p.m. on any day of the week.
4. There shall be no outdoor loudspeakers or public address systems.
5. All wastewater resulting from car wash activities shall be either directed to the sanitary sewer system or be recycled on-site to the satisfaction of the Director.
6. Ingress and egress shall be accessed from an alley when available.
7. Stacking lanes shall be located as determined by the Birmingham Department of Transportation.
8. No automated car wash shall be permitted when adjacent to any residentially zoned property.

Q. **Carwash, Manual.** In the following districts: C-2, I-1, I-2, I-3, PRD AND MXD a manual carwash shall be permitted provided that the following conditions are met:

1. If manual carwash does not have a recycling system for water reuse or can not direct their waste water to the sanitary sewer, it shall be demonstrated to the Director that either all water used is properly treated or biodegradable soaps are being used at all times or car wash activities are performed on a pervious surface.
2. An inspection report has completed by a City Plumbing Inspector that approves the location for a manual carwash.
3. There shall be no outdoor loudspeakers or public address systems.
4. In the C-2 district, no vehicles may be stored or parked on the premises for the purpose of offering for sale.

R. **Convenience Store.** In the following districts: C-1, C-2, I-1, I-2, I-3, PRD AND MXD a convenience store shall be permitted provided that the following conditions are met:

1. All pumps shall not be closer than 150 feet to any dwelling district, and not closer than 15 feet to a right-of-way line.
2. Any building shall be setback 25 feet from a dwelling district.

S. **Fitness Center.** In the following districts: MU-L, and C-1 a fitness center shall be permitted provided that it shall not exceed 7,500 square feet of gross floor area.

T. **Grocery Store.** In the MU-L and C-1 districts, a grocery store may be permitted provided that the following conditions are met:

1. Grocery store shall be limited to 20,000 square feet of gross floor area.
2. A minimum of 25% of sales floor area or more than 3,000 square feet of sales floor area dedicated to the sale of fresh or pre-packaged meats, fruits, vegetables, and dairy, whichever is greater.

U. **Grocery, Urban.** In the MU-L and C-1 districts, an urban grocery store may be permitted provided that the following conditions are met:

1. Grocery store shall be limited to 2,500 square feet of gross floor area.
2. A minimum of 25% of sales floor area or more than 625 square feet of sales floor area dedicated to the sale of fresh or pre-packaged meats, fruits, vegetables, and dairy, whichever is greater.

V. **Home Improvement Center.** In the following districts: MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3 AND MXD commercial use groups 2 and 3 home improvement centers shall be permitted provided that the following conditions are met:

1. In the following districts: MU-L, MU-M, and C-1 a home improvement center shall be permitted provided that it shall be limited to 7,500 square feet of gross floor area.
2. Outside display of finished product or packaged materials is allowed, provided that all chemicals, fertilizers and pesticides are stored and covered so that rain cannot wash over them and then drain into the storm sewer system.

W. **Medium Data Center.** In the C-2, I-1, I-2, I-3 AND MXD Commercial Use Groups 2 and 3 districts a medium data center shall be permitted provided that the following conditions are met:

1. Demonstration that adequate water and wastewater capacity exists to serve the proposed development is required.
2. No Medium Data Center shall create, maintain, or permit any illicit connection or illicit discharge to the municipal storm water system.
3. The City Engineer shall take appropriate steps to detect and eliminate illicit connections and eliminate improper disposal and or discharge to the City's MS4, including required dry weather and wet weather screening programs to identify sources from land disturbing activities.
4. Any discharge made in violation of Chapter 4 of the Birmingham City Code or any condition of a permit issued pursuant thereto is declared a public nuisance and shall be subject to correction and or abatement in accordance with applicable law.
5. Any increase in gross floor area, electrical demand, water consumption, cooling capacity, backup power generation, or fuel storage capacity beyond that approved as part of the site development plan shall be deemed a material change in use and shall require review and approval in accordance with this ordinance.
6. All roof-mounted and ground-mounted mechanical equipment, generators, cooling systems, substations, transformers, and other ancillary infrastructure shall be screened from public view in accordance with Chapter 6 of this Ordinance.
7. A Medium Data Center shall maintain a minimum separation of two hundred fifty (250) feet from any residential zoning district or urban neighborhood district. This setback includes all buildings and ancillary equipment and shall be measured from any building/ancillary equipment to the nearest property line in the residential or urban neighborhood district.
8. Closed loop cooling systems shall be maintained to prevent accumulation of contaminants, scale, biological growth, and heavy metals. Any cleaning, flushing, or blowdown activities shall be conducted in a manner that prevents uncontrolled discharge to stormwater systems, surface waters, or adjacent properties.
9. Stormwater Connections and Discharge.
 - a. No Medium Data Center shall create, maintain, or permit any illicit connection or illicit discharge to the municipal storm water system.

- b. Any discharge made in violation of Chapter 4 of the Birmingham City Code or any condition of a permit issued pursuant thereto is declared a public nuisance and shall be subject to correction and or abatement in accordance with applicable law.

10. On Site Power Generation.

- a. On site power generation by any means, except solar **and/or fuel cells** as a primary, parallel or routine source of electrical power for data center operations, shall be strictly prohibited.
- b. On site power generation systems utilizing fossil fuels, including but not limited to natural gas, diesel, or similar fuels, shall be permitted solely for emergency backup power, testing, and maintenance purposes, and shall not be designed, sized, or operated to provide continuous, routine, or supplemental power to the electrical grid or to data center operations during normal conditions.
- c. The classification of a power generation system shall be determined by its intended design, operational capacity, and functional use, and not solely by the terminology used by the applicant.
- d. On site battery storage, where that battery is charged via grid power or on-site solar to supplement power supply in the event of outages or during peak demand hours, is permitted.

X. **Micro Data Center.** In the C-2, HID, I-1, I-2, I-3 AND MXD commercial use groups 2 and 3 districts a micro data center shall be permitted provided that the following conditions are met:

- 1. All roof-mounted and ground-mounted mechanical equipment, generators, cooling systems, and ancillary infrastructure shall be screened from public view in accordance with Chapter 6 of this Ordinance.
- 2. Backup generators shall be permitted solely for emergency use, testing, and maintenance and shall not be used for continuous, routine, or supplemental power generation. Routine testing shall be limited to daytime hours. For the purposes of this use, an emergency is defined as a condition or event that poses an immediate threat to life, public health, safety or property.
- 3. On-site power generation other than emergency backup generators shall be prohibited. For the purposes of this use, an emergency is defined as a condition or event that poses an immediate threat to life, public health, safety or property.
- 4. A micro data center that abuts a residential or urban neighborhood district shall utilize the required setbacks for the district it abuts. If it abuts more than one (1) residential or urban neighborhood district, the district with the greater setbacks shall be used.
- 5. Stormwater Connections and Discharge.
 - a. No micro data center shall create, maintain, or permit any illicit connection or illicit discharge to the municipal storm water system.
 - b. Any discharge made in violation of Chapter 4 of the Birmingham City Code or any condition of a permit issued pursuant thereto is declared a public nuisance and shall be subject to correction and/or abatement in accordance with applicable law.

Y. **Mini Storage Warehouse.** In the following districts: I-1 and I-2 a mini storage warehouse shall be permitted provided that the following conditions are met:

- 1. The individual units are used for the storage of property and no manufacturing or industrial activities occur or are conducted in the units.
- 2. No storage of highly combustible, flammable or explosive products or materials is allowed.
- 3. Any mini storage warehouse located in a Commercial Revitalization District or Historic District must meet the following requirements:
 - a. The first floor of the building must have a minimum of 50% floor area at ground level for retail, restaurant or office space (not associated with the mini warehouse use).

- b. Access to storage areas must be internal to the building
- c. The loading docks or service doors shall be designed to limit disruptions to urban, multi-modal traffic and be located at the rear of the building that abuts the alley or as near to the alley as possible at an existing curb cut or as determined by the Department of Transportation.
- d. Frontage Façade Standards:
 - 1. Frontage Façade Buildout – 60% minimum
 - 2. Main pedestrian entrance must be along frontage façade and as near to the corner of an intersecting street as possible.
 - 3. Building must be parallel to frontage lines
 - 4. Blank walls are not permitted at frontage
 - 5. Frontage façade void area – 20% to 60% of total frontage façade
 - 6. Area Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart
 - 7. Frontage façade glazing: 70% for shopfront
 - 8. Upper floor openings and other features must be aligned with some component of first floor.
 - 9. To maintain urban fabric and context, frontage facades shall be designed utilizing materials that are compatible to adjacent buildings.

Z. Mobile Grocery Store. In the following districts: MU-L, UN, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, PRD, MXD, HID and AG a mobile grocery store shall be permitted provided that the following conditions are met:

- 1. Sales occur between 7:00am and 10:00pm.
- 2. Operator must demonstrate that adequate parking is available on the lot being used by the mobile grocery store or a parking arrangement has been made for a non-dwelling lot that is within 500 feet and is not in use during operation.
- 3. A letter or document verifying landowners' permission for the mobile grocery store to operate on the property.
- 4. A letter stating that the mobile grocery store complies with any applicable Jefferson County Department of Health regulations or a letter stating that the mobile grocery store does not require approval by the Jefferson County Department of Health.
- 5. Mobile grocery stores shall not be located on vacant or undeveloped lots.
- 6. Mobile grocery stores shall not be located within 1,000 feet of the front door of a brick and mortar business selling the same or similar products.
- 7. Signage is limited to 60 square feet and is limited to signs permanently affixed to or painted on the exterior of the mobile grocery store. Signs shall not be illuminated nor project from the mobile grocery store.
- 8. A mobile grocery store may have no more than two tables and/or two chairs for customer check-in and processing.
- 9. No more than one mobile grocery store shall be permitted to operate, per day, at a site/location.
- 10. No audio or amplification is allowed.

AA. Nursery. In the following districts: AG, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, PRD AND MXD a nursery shall be permitted provided that the following conditions are met:

- 1. In MU-L and C-1 any buildings on-site shall be limited to 7,500 square feet of gross floor area.
- 2. Outside display shall be limited to finished product or packaged materials, provided that all chemicals, fertilizers and pesticides are stored and covered so that rain cannot wash over them and then drain into the storm sewer system.
- 3. Sale and display of power equipment shall be limited to typical household gardening and lawn maintenance equipment.

BB. Office, Leasing/Sales. In the following districts: AG, D-1, D-2, D-3, D-4 AND PRD a leasing/sales office shall be permitted provided that the following conditions are met:

1. The office use is limited to one unit or dwelling as a leasing and or sales office for other units within that development.
2. Signage is limited to one attached or monument sign of no more than six square feet that is on the same lot as the leasing/sales office.

CC. Outdoor Market, Farmer's. In the following districts: AG, D-1, D-2, D-3, D-4, D-5, MU-L, UN, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, PRD, MXD AND HID an outdoor farmers market shall be permitted provided that the following conditions are met:

1. In dwelling districts, sales may occur on a temporary basis no more than 156 days per year and between the hours of 7:00am and 7:00pm.
2. In non-dwelling districts, sales may occur between the hours of 7:00am and 10:00pm.
3. Market cannot operate for more than three consecutive days in a dwelling district.
4. Market manager demonstrates that adequate parking is available on the lot being used by the market or a parking arrangement has been made for a non- dwelling lot that is within 500 feet and is not in use during market hours.
5. Items made from kits, used or mass-produced items are prohibited.
6. Every vendor in any market shall, within one hour after the closing of the market, cause his or her provisions and vehicle to be removed from the vendor stall, and his or her stall thoroughly cleansed, and all rubbish to be removed from the vendor stall.
7. A letter or document verifying landowners' permission for the outdoor farmer's market to operate on the property and identifying Market Manager is submitted to PEP.
8. A letter stating that the outdoor farmer's market complies with any applicable Jefferson County Department of Health regulations or a letter stating that the outdoor farmer's market does not require approval by the Jefferson County Department of Health.
9. A Farmers Market Permit, valid for one year, is obtained from PEP and a permit fee is paid to PEP that provides the following information:
 - a. Name of all persons or entities that govern the market
 - b. Name, signature and contact information of Market Manager.
 - c. List of all vendors and a list of items to be sold by vendor.
 - d. Copy of State of Alabama Farmers Market Authority Certificate.
 - e. List of market clean-up procedures.
 - f. Detailed explanation of location of market and days/hours of operation.
 - g. Address of the market location.
 - h. Parking plan.

10. In the following districts, D-1, D-2, D-3, D-4, D-5, and the following conditions also apply to outdoor farmers markets:

- a. The farmers market shall occur only on lots where the primary use is a school, place of worship, a public park, public housing community or on an abutting lot that is owned by one of the aforementioned primary uses.
- b. A letter or document verifying landowners' permission for the outdoor farmer's market to operate on the property and identifying Market Manager is submitted to PEP.

DD. Outdoor Market, Public. In the following districts: AG, MU-L, UN, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, PRD, MXD AND HID an outdoor public market shall be permitted provided that the following conditions are met:

1. At least one vendor must sell produce or value-added agricultural products.

2. Used clothing, mass produced items and appliances are prohibited.
3. Market cannot operate for more than two consecutive days.
4. Market manager demonstrates that adequate parking is available on the lot being used by the market or a parking arrangement has been made for a non-dwelling lot that is within 500 feet and is not in use during market hours.
5. Sales only occur between the hours of 7:00am and 10:00pm.
6. Every vendor in any market shall, within one hour after the closing of the market, cause his or her provisions and vehicle to be removed from the vendor stall, and his or her stall thoroughly cleansed, all rubbish to be removed from the vendor stall.
7. A letter or document verifying landowners' permission for the outdoor public market to operate on the property and identifying Market Manager is submitted to PEP.
8. A letter stating that the outdoor public market complies with any applicable Jefferson County Department of Health regulations or a letter stating that the outdoor public market does not require approval by the Jefferson County Department of Health.
9. Public Market Permit, valid for one year, is obtained from PEP and a permit fee is paid to PEP that provides the following information:
 - a. Name of all persons or entities that govern the market
 - b. Name, signature and contact information of Market Manager.
 - c. List of all vendors, the products they will sell and their grower's permits or City of Birmingham business licenses number.
 - d. List of market clean-up procedures.
 - e. Detailed explanation of location of market and days/hours of operation.
 - f. Parking plan.

EE. **Payday Loan.** In the following districts: C-2, I-1 and I-2 a payday loan establishment shall be permitted provided that the following conditions are met:

1. The purpose of this condition is to:
 - a. Reduce traffic congestion that is reported to be associated with these types of businesses;
 - b. Reduce the concentration of these types of businesses in certain areas in an effort to encourage and enhance economic development within that area by promoting business diversity in the offering of other goods and/or services in the area;
 - c. Provide for zoning protection of existing residential and commercial real estate values from possible economic impairment by these types of businesses; and,
 - d. In general to provide for the protection of the health, safety, comfort and general welfare of the citizens of the City of Birmingham.
2. Finding of fact. Based upon the evidence and information submitted to the Council, the governing body of the city of Birmingham, Alabama, including statements of citizens submitted to the Council, expert opinions submitted to and considered by this Council, and the knowledge and experience gained by Council members both prior to and while serving as members of this Council, this Council hereby makes the following findings of fact:
 - a. There are a disproportionate number of these types of businesses within the corporate limits of the City of Birmingham based upon the number per resident compared to the other cities within Jefferson County and within unincorporated Jefferson County.
 - b. According to public statements made by real estate developers, real estate agents, community leaders, clergy, and members of the general public, a "negative community reputation" has been created by these businesses because of the extraordinarily high interest rates for these loans. Consumers of the services offered by these businesses have also made statements that terms and conditions associated with these types of loans are confusing and very difficult to understand.

- c. Real estate developers and agents have stated that this "negative community reputation" has a detrimental effect on the location of other commercial developments within the area and that these businesses tend to diminish nearby real estate values.
- 3. Locational Requirements. In order to provide for more economic opportunities within certain areas of the City of Birmingham, the following spacing requirements are required:
 - a. No payday loans (deferred presentment) established after the enactment of this ordinance shall be located within 2000 linear feet of another such business. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by these businesses.
 - b. Any properly licensed payday loan (deferred presentment) existing at the time of the enactment of this section that is within 2000 feet of another such business (as measured as described above) shall be considered to be a legal nonconforming use.
- 4. No payday loan (deferred presentment) business established after December 17, 2013 (Ordinance 13-178) shall be located within 2,000 linear feet of another such business. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by these businesses.

EE. **Retail.** In the following districts: MU-L, and C-1 retail establishments shall be permitted provided that the following conditions are met:

- 1. The use shall be limited to 1,500 square feet of gross floor area per lot.

FF. **Shopping Center.** In the C-1 district shopping centers shall be permitted provided that the following conditions are met:

- 1. The use shall be limited to 7,500 square feet of gross floor area per lot.

GG. **Title Loan/Pawnshop.** In the following districts: MU-H, MU-D, C-2, I-1 and I-2 a title loan establishment shall be permitted provided that the following conditions are met:

- 1. The purpose of this condition is to:
 - a. Reduce traffic congestion that is reported to be associated with these types of businesses;
 - b. Reduce the concentration of these types of businesses in certain areas in an effort to encourage and enhance economic development within that area by promoting business diversity in the offering of other goods and/or services in the area;
 - c. Provide for zoning protection of existing residential and commercial real estate values from possible economic impairment by these types of businesses; and,
 - d. In general to provide for the protection of the health, safety, comfort and general welfare of the citizens of the City of Birmingham.
- 2. Finding of fact. Based upon the evidence and information submitted to the Council, the governing body of the city of Birmingham, Alabama, including statements of citizens submitted to the Council, expert opinions submitted to and considered by this Council, and the knowledge and experience gained by Council members both prior to and while serving as members of this Council, this Council hereby makes the following findings of fact:
 - a. There are a disproportionate number of these types of businesses within the corporate limits of the City of Birmingham based upon the number per resident compared to the other cities within Jefferson County and within unincorporated Jefferson County.
 - b. According to public statements made by real estate developers, real estate agents, community leaders, clergy, and members of the general public, a "negative community reputation" has been created by these businesses because of the extraordinarily high interest rates for these loans. Consumers of the services offered by these businesses have also made statements that terms and conditions associated with these types of loans are confusing and very difficult to understand.
 - c. Real estate developers and agents have stated that this "negative community

reputation" has a detrimental effect on the location of other commercial developments within the area and that these businesses tend to diminish nearby real estate values.

3. Locational Requirements. In order to provide for more economic opportunities within certain areas of the City of Birmingham, the following spacing requirements are required:
 - a. No title loan business established after the enactment of this ordinance shall be located within 2000 linear feet of another such business. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by these businesses.
 - b. Any properly licensed title loan business existing at the time of the enactment of this section that is within 2000 feet of another such business (as measured as described above) shall be considered to be a legal nonconforming use.
 - c. No title loan business established after December 17, 2013 (Ordinance 13-178) shall be located within 2,000 linear feet of another such business. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by these businesses.

SECTION 4. BE IT ORDAINED by the Council of the City of Birmingham, that Title 1, Chapter 4, Article II: Uses Permitted with Conditions (PC), Section 6. Communication Uses, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 6. Communication uses.

- A. **Fiber Hut or ILA (In-Line Amplifier Hut).** In the C-2, MXD commercial use groups 2 and 3, I-1, I-2 and I-3 districts a fiber hut or ILA shall be permitted provided that the following conditions are met:
1. A fiber hut shall maintain a minimum separation of twenty (20) feet from any residential zoning district or urban neighborhood district. This setback includes all buildings and ancillary equipment and shall be measured from any building/ancillary equipment to the nearest property line in the residential or urban neighborhood district.
 2. Along all residential zoning districts and the urban neighborhood district, screening in the form of a standard B landscape buffer shall be applied along any common property lines per Chapter 6, Article I of this Ordinance.
 3. All exterior materials, finishes, and colors shall be non-reflective and designed to blend with surrounding development or existing site features.
 4. The fiber hut shall not include signage other than equipment identification or emergency contact information required by law.
 5. The fiber hut shall not be used for data storage, data processing, or server hosting functions that would otherwise classify the facility as a data center.
 6. All roof-mounted and ground-mounted mechanical equipment shall be screened from public view in accordance with Chapter 6 of this Ordinance.
- B. **Printing and Publishing.** In the following districts: MU-L, MU-M and C-1, a printing or publishing establishment shall be permitted provided that it shall be limited to 7,500 square feet and meets the following condition:
1. Only digital printing equipment shall be allowed and all off-set or large mechanical printing prohibited.
- C. **Studio, Radio/TV.** In the following districts: MU-L, MU-M and C-1, a radio or TV studio establishment shall be permitted provided that it shall be limited to 7,500 square feet.
1. All antennas, towers and satellites shall be regulated pursuant to Chapter 4, Article V, Section 1 of this Ordinance.
- D. **Wireless Communication.** In all districts wireless communication including, broadcast satellites, broadcast towers, cellular, microwave or two-way antennas and cellular, microwave, or two-way towers shall be regulated pursuant to Chapter 4, Article V, Section 1 of this Ordinance.

SECTION 5. BE IT ORDAINED by the Council of the City of Birmingham, that Title 1, Chapter 4, Article II: Uses Permitted with Conditions (PC), Section 7. Manufacturing & Industrial Uses, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 7. Manufacturing & Industrial uses.

A. **Brew Pub.** In the following districts: MU-L, MU-M, MU-H, MU-D and C-2 a brew pub shall be permitted provided that the following conditions are met:

1. No outdoor storage shall be permitted.
2. All beer production activities shall be within completely enclosed structures.
3. Total production of beer is limited to 10,000 barrels per year.
4. Two loading docks or service doors will be allowed, provided that:
 - a. In the C-2 district they shall not face dwelling districts. If all sides abut dwelling districts, the loading docks or service doors must be screened with an opaque fence or evergreen planting of at least six feet.
 - b. In MU-L, MU-M, MU-H and MU-D districts, the loading docks or service doors shall be designed to limit disruptions to pedestrian or bicycle traffic and be located at the rear of the building or abut the alley or as near to the alley as possible.
5. Where such facilities are on a lot adjacent to a dwelling, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.
6. In the MU-L district size shall be limited to 7,500 square feet of gross floor area and operating Hours shall be limited to 11:00 a.m. to 12:00 a.m.

B. **Brewery, Micro.** In the following districts: MU-M, MU-H and MU-D a microbrewery shall be permitted provided that the following conditions are met:

1. Microbrewery shall be limited to 40,000 square feet.
2. No outdoor storage shall be permitted.
3. All beer production activities shall be within completely enclosed structures.
4. Total production of beer is limited to 40,000 barrels per year.
5. Two loading docks or service doors will be allowed, provided that:
 - a. The loading docks or service doors shall not designed to limit disruptions to pedestrian or bicycle traffic and be located at the rear of the building or abut the alley or as near to the alley as possible.
6. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

C. **Distillery, Artisanal.** In the following districts: MU-M, MU-H and MU-D an artisanal distillery shall be permitted provided that the following conditions are met:

1. In MU-M an artisanal distillery shall be limited to 7,500 square feet.
2. In the MU-H and MU-D an artisanal distillery shall be limited to 40,000 square feet.
3. No outdoor storage shall be permitted.
4. All production activities shall be within completely enclosed structures
5. Total production is limited to 1,000 barrels per year.
6. Two loading docks or service doors will be allowed, provided that:

- a. In MU-H and MU-D districts, the loading docks or service doors shall not be designed to limit disruptions to pedestrian or bicycle traffic and be located at the rear of the building or abut the alley or as near to the alley as possible.

7. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

D. Hyperscale Data Center. In the **I-1, I-2, I-3** and **MXD Use Group C-3** districts a hyperscale data center shall be permitted provided that the following conditions are met:

1. Location and Separation.

- a. In I-1, I-3 and MXD Use Group C-3 a hyperscale data center shall maintain a minimum separation of five hundred (500) feet from any residential zoning district or urban neighborhood district. This setback includes all buildings and ancillary equipment and shall be measured from any building/ancillary equipment to the nearest property line in the residential or urban neighborhood district.
- b. In I-2, a hyperscale data center that abuts a residential or urban neighborhood district shall utilize the required setbacks for the district it abuts. If it abuts more than one (1) residential or urban neighborhood district, the district with the greater setbacks shall be used.
- c. No hyperscale data center shall be permitted within one thousand (1,000) feet, from any fixed guideway transit station, bus rapid transit station, commuter rail station, or other high-capacity transit facility designated by the City. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by the Hyperscale Data Center.
- d. A hyperscale data center shall be located on a lot containing a minimum of five (5) acres. The required minimum lot area shall not be satisfied through aggregation of non-contiguous parcels. No subdivision of the lot shall occur that reduces the remaining lot area below five (5) acres for so long as the hyperscale data center remains in operation.

2. Electrical Demand.

- a. The applicant shall provide:
 1. Estimated peak electrical demand expressed in megawatts.
 2. Identification of anticipated development phases.
 3. Estimated aggregate electrical demand at ultimate build-out.

3. Water Use and Cooling Systems.

- a. The applicant shall provide:
 1. Estimated average daily, peak daily, and total annual water use, expressed in gallons.
 2. A description of the proposed cooling system or systems.
 3. Identification of the water source, including municipal, recycled, or other sources.
 4. A description of water reuse and efficiency measures.
 5. The applicant shall submit a water conservation and efficiency plan describing measures to reduce potable water consumption and minimize impacts to municipal water and wastewater systems.
 6. The applicant shall also demonstrate that adequate water and wastewater capacity exists to serve the proposed development.

- a. If the hyperscale data center is served by a public water supply, the applicant shall submit documentation from the public authority certifying that there is an adequate supply of water for the proposed hyperscale data center and that the public authority will supply the water needed.
 - b. If the hyperscale data center is served by a nonpublic water source, the applicant shall submit a water feasibility study. This study should explain if there is an adequate supply of water for the hyperscale data center and estimate the proposed impact on existing wells, groundwater and surface waters in the surrounding areas. The water feasibility study must demonstrate that the anticipated water supply yield is adequate for the hyperscale data center and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the surrounding areas.
4. Stormwater Connections and Discharge.
 - a. No hyperscale data center shall create, maintain, or permit any illicit connection or illicit discharge to the municipal storm water system.
 - b. The City Engineer, or their authorized agent, shall take appropriate steps to detect and eliminate illicit connections and eliminate improper disposal and or discharge to the City's MS4, including required dry weather and wet weather screening programs to identify sources from land disturbing activities.
 - c. Any discharge made in violation of Chapter 4 of the Birmingham City Code or any condition of a permit issued pursuant thereto is declared a public nuisance and shall be subject to correction and or abatement in accordance with applicable law.
5. Backup Power and Generators.
 - a. The applicant shall provide:
 1. Generator type and fuel source.
 2. Total generator capacity.
 3. Proposed testing and maintenance schedule, including hours of operation.
 4. A description of noise mitigation measures.
6. Utility Infrastructure.
 - a. The applicant shall provide:
 1. Identification of all utility providers serving the site.
 2. A description of all on-site and off-site utility infrastructure required to serve the facility.
 3. Identification of any new or expanded substations, transmission lines, distribution lines, switching stations, or similar facilities.
 4. Identification of the location and extent of any off-site utility work.
 5. Written confirmation from the serving electric utility indicating that the necessary capacity is available and will be provided to serve the facility. Known impacts on electric rates or availability for other uses directly attributable to the hyperscale data center shall be noted.
7. Site Development Plan.
 - a. The applicant shall submit a site plan that includes:
 1. Building locations and dimensions.
 2. Placement of all ancillary infrastructure, including generators, cooling systems, substations, and related equipment.

3. Required setbacks and separation distances.
4. Screening, buffering, and landscaping.
5. Access, circulation, and service areas.
6. Utility connections and infrastructure improvements.
8. Applicants shall submit a pre-construction noise study and a post-construction noise study demonstrating compliance with this section.
9. Backup Power Operations.
 - a. Backup generators shall be used only during power outages, emergencies, or required testing and maintenance. For the purposes of this use, an emergency is defined as a condition or event that poses an immediate threat to life, public health, safety or property.
 - b. Routine generator testing shall be limited to daytime hours.
 - c. Backup generators shall meet the most current applicable emissions standards and shall be enclosed or acoustically screened.
 - d. Backup power systems shall not be used for routine grid support, economic dispatch, or non-emergency power generation.
10. On Site Power Generation.
 - e. On site power generation by any means, except solar **and/or fuel cells** as a primary, parallel or routine source of electrical power for data center operations, shall be strictly prohibited.
 - f. On site power generation systems utilizing fossil fuels, including but not limited to natural gas, diesel, or similar fuels, shall be permitted solely for emergency backup power, testing, and maintenance purposes, and shall not be designed, sized, or operated to provide continuous, routine, or supplemental power to the electrical grid or to data center operations during normal conditions.
 - g. The classification of a power generation system shall be determined by its intended design, operational capacity, and functional use, and not solely by the terminology used by the applicant.
 - h. On site battery storage, where that battery is charged via grid power or on-site solar to supplement power supply in the event of outages or during peak demand hours, is permitted.
11. All roof mounted and ground mounted mechanical equipment, generators, cooling systems, and substations shall be screened from public view through building design, walls, fencing, or a standard C landscaping buffer in accordance with Chapter 6, Article III of this Zoning Ordinance.
12. Facilities containing battery storage systems shall submit emergency response coordination plans subject to review by the Fire Department.
13. Any increase in gross floor area, electrical demand, water consumption, cooling capacity, backup power generation, or fuel storage capacity initial approval shall be deemed a material change or expansion in use and shall require a new review for compliance with conditions in this section.
14. Where development is proposed in phases, the applicant shall disclose the anticipated ultimate build out of the data center facility, including total square footage, electrical demand, water use, cooling systems, and backup power infrastructure. Review and classification shall be based on ultimate build out capacity.
15. Hyperscale Data Centers shall utilize closed loop cooling systems designed to recirculate water and minimize the use of potable water for cooling purposes. Use of potable water for cooling shall be limited to initial system charging, system maintenance, emergency operations, or other limited circumstances approved by the City, and shall not be relied upon for continuous or routine cooling operations.
16. The applicant shall submit a detailed description of the proposed closed loop water system,

including system type, operating parameters, anticipated make up water requirements, and measures to minimize water loss through evaporation, blowdown, or discharge. Where feasible, the applicant shall identify the use of non-potable water sources, including reclaimed water, treated wastewater, or other alternative sources, as part of the cooling system design.

17. Closed loop cooling systems shall be maintained to prevent accumulation of contaminants, scale, biological growth, and heavy metals. Any cleaning, flushing, or blowdown activities shall be conducted in a manner that prevents uncontrolled discharge to stormwater systems, surface waters, or adjacent properties.

18. Any discharge of cooling water, including blowdown or system flushing, shall:

- a. Be pre-treated to remove heavy metals, chemical additives, and other contaminants associated with cooling operations; and
- b. Be cooled to a temperature consistent with applicable state and local discharge standards prior to entering any municipal wastewater system or receiving water body.

19. Lighting Requirements.

a. All outdoor luminaires and luminaire installations shall comply with federal and state law; county and municipal codes; applicable energy and building codes; product safety labeling; and shall be subject to the appropriate permit and inspection requirements thereof.

b. Lighting Distribution.

1. Uplight and Very High Angle – Unless otherwise specified, luminaires emitting more than 1,000 lumens shall be zero uplight or either emit no more than 5% of their total lumen output above 80 degrees, except for luminaires used for façade illumination which are shielded and aimed such that their direct light emission is contained to the architectural target.
2. Trespass – Unless otherwise specified, light trespass shall meet the following:
 - a. Luminaire lamp sources shall not be visible from state or federal wilderness, natural area or other areas designated for natural protection; and light trespass shall not exceed one-tenth (0.1) lux.
 - b. Light trespass onto waters of the United States shall not exceed one (1) lux.
 - c. Light trespass onto residentially zoned property shall not exceed three (3) lux when measured fifteen (15) ft inside the property line or at the dwelling façade, whichever distance is closest to the property line.
 - d. Light trespass onto public right-of-way shall not exceed five (5) lux c).
3. Unless otherwise specified, the maximum allowable correlated color temperature (CCT) for outdoor luminaires is 3000 K.

20. Proof of written notification to all adjacent property owners within a radius of five hundred (500) feet from the subject property is required by the owner or developer of any new or expanded hyperscale data center. Notifications must be sent via certified mail to the property owner's address on record. Ownership information may be verified through the Jefferson County Tax Assessor's Office. Notice is required regardless of whether the neighboring property is non-residential, vacant, or publicly owned. When submitting the building permit application, the applicant must provide copies of the notification letters as well as the certified mail tracking numbers confirming delivery to the property owners.

E. **Junkyard, General and Vehicular.** In the I-2 district a general or vehicular junkyard shall be permitted provided that the following conditions are met:

1. The use is granted the appropriate license for operation by the Council.
2. An opaque fence is erected along the entire perimeter of the site that meets the following conditions:
 - a. The fence design including materials and height is approved by the Director.
 - b. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.
 - c. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.
 - d. The wall or fence (including gates) may be required to be erected higher than eight feet, but not more than 12 feet, if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable the junk and/or scrap materials to be readily viewed.
 - e. If the junkyard abuts any dwelling, mixed-use or commercial district, a landscape buffer shall be provided per Chapter 6, Article III of this Ordinance.
 - f. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public.
3. Removal of all fluids from any vehicle must be conducted in a structure with an impervious surface such that all fluids removed are contained and maintained so that they do not run-off with rain water into the storm drain system or enter the sanitary sewer system.
4. Any pile of material on-site shall not be higher than the screening fence approved for the site.
5. Any materials stored or that are the result of any process that are friable and potential airborne or can be washed away by stormwater shall be stored in an enclosed structure that prevents the materials from being blown on to any other lot.

F. **Manufacturing, Heavy.** In the I-2 district heavy manufacturing shall be permitted provided that the following conditions are met:

1. If a heavy manufacturing activity is storing materials outdoors and adjacent to any dwelling zoned district, an opaque fence shall be constructed to screen the ground-level view of the adjacent dwelling zoned district. Materials shall not be piled or stacked higher than the opaque fence.
2. Any materials stored or that are the result of any process that are friable and potential airborne or can be washed away by stormwater shall be stored in an enclosed structure that prevents the materials from being blown on to any other lot.
3. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a dwelling district or district permitting dwelling use, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

G. **Manufacturing, Light.** If a light manufacturing activity is storing materials outdoors and adjacent to any dwelling zoned district, an opaque fence shall be constructed to screen the ground-level view of the adjacent dwelling zoned district. Materials shall not be piled or stacked higher than the opaque fence.

1. Loading Docks. Where the site abuts a dwelling zone district or district permitting dwelling use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the dwelling zone district unless they are screened with an opaque fence or evergreen planting of at least six feet.
2. Landscape Buffer Yard. Where such facilities are on a lot adjacent to a dwelling district or district permitting dwelling use, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

H. **Manufacturing, Specialized.** In the following districts: MU-H, MU-D, and C-2 a specialized manufacturer shall be permitted provided that the following conditions are met:

1. In the MU-H, and C-2 a specialized manufacturing shall be limited to 50,000 square feet and in the MU-D to 100,000 square feet.
2. No outdoor storage shall be permitted.
3. All production activities shall be within completely enclosed structures.
4. Two loading docks or service doors will be allowed, provided that:
 - a. In the C-2 district it shall not face dwelling districts. If all sides abut dwelling districts, the loading docks or service doors must be screened with an opaque fence or evergreen planting of at least six feet.
 - b. In the MU-H and MU-D districts, the loading docks or service doors shall not be designed to limit disruptions to pedestrian or bicycle traffic and be located at the rear of the building or abut the alley or as near to the alley as possible.
5. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

I. **Resource Extraction.** In the I-4 district resource extraction shall be permitted provided that the following conditions are met:

1. Before any permits may be used or work begins for strip or surface mining, the owner or operator must have applied for and received a Clearing and Earthwork permit and/or a permit from the City Engineer of the City as herein provided. Any person lawfully engaged in strip or surface mining shall immediately secure such permit or cease operation of such strip mine. Applicants for a permit shall file an application with the City Engineer which shall contain the following information and comply with the Soil Erosion and Sediment Control Code of the City:
 - a. The name of applicant and whether individual, partnership, corporation or other legal entity.
 - b. Legal address of the applicant for process of legal service or notice and the address of each mining operation.
 - c. The name and address of the agent, subsidiaries or independent contractors who may be engaged in strip surface mining on behalf of the applicant on the land or premises to be affected. Any agent, subsidiary or independent contractor engaged by the applicant subsequent to issuance of a permit shall be identified by written notice to the City Engineer within thirty days of such engagement; however such engagement shall not relieve the permittee of responsibility hereunder.
 - d. A statement of whether the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever had a strip or surface mining permit

- suspended or revoked by the City, Jefferson County, the State of Alabama, or any other state, or has ever had a surface mining bond, or security deposited in lieu of bond, forfeited.
- e. All names under which the applicant previously operated or is now engaging in surface mining within the City.
 - f. A legal description of the land or premises upon which the applicant proposes to engage in strip or surface mining including a map at a suitable scale noting the date prepared and showing:
 - i. The areas of proposed operation under the said permit, if issued.
 - ii. The names of owners of surface and mineral rights.
 - iii. The location of all existing and proposed structures.
 - iv. A 500 foot setback line or buffer from all adjacent property, public road rights-of-way, rivers, streams, or public lakes. The two hundred foot setback from an adjacent property may be excepted provided the adjacent property has a legally existing strip or surface mine in operation thereon or provided the owner(s) of the surface rights to such adjacent property has provided the applicant with written consent for such mining.
 - v. The total acreage of land or premises proposed for strip or surface mining.
 - vi. The existing and proposed surface drainage plans for the area of land or premises proposed for strip or surface mining noting approvals or requirements by the ADEM, the Environmental Protection Agency or other governmental agencies. If said plans have been approved by said agencies, they shall be sufficient.
 - vii. A land surveyor registered in the State of Alabama certification which shall read as follows: ("I (land surveyor's name and State of Alabama registration number), hereby certify that this is a true and accurate map and shows to the best of my knowledge and according to my survey all information required by Appendix A, General Code of the City of Birmingham, Alabama (Zoning Ordinance)." The certification shall be signed and notarized. The failure to include the required certificate shall void said application for permit.
 - viii. A statement by the applicant that he has obtained, or before commencing mining will obtain, from the surface and mineral owners, the legal right to mine by strip or surface mining methods, the land to be affected by each permittee and if not already obtained, a statement of intent, from the legal surface and mineral owner, to deliver said rights upon issuance of said permit.
 - ix. Evidence of permits under the current Alabama Surface Mining Act.
 - x. Evidence of liability insurance in the amount required herein.
 - xi. Evidence of reclamation bond in the amount required herein.
 - xii. Evidence that the affected lands or premises are zoned M-4 Special Mining and Lumbering District in the form of a zoning certificate issued by the appropriate agency of the City.
 - g. The fee for a permit shall be in accordance with the Erosion Control Code and shall be submitted with the application. All sums received through payment of application fees shall be paid through the City Engineer.
 - h. If a permittee succeeds another at any uncompleted operation by sale, assignment, lease, or otherwise, the City Engineer may release the first permittee from all liability requirements of this regulation after the successor has filed a completed application, and the successor permittee assumes full liability for mining, conservation, and reclamation procedures established therein. Any agent, subsidiary or independent contractor engaged by the

applicant or permittee subsequent to issuance of a permit shall be identified to the City Engineer within thirty days of its engagement. The utilization of an agent, subsidiary or subcontractor shall not relieve the permittee of its responsibility hereunder except as hereinabove provided.

- i. Each permit shall remain in effect for twelve months unless previously revoked or otherwise terminated as provided herein. Request for additional permits or extensions of permits shall be submitted in the same manner as the first application.

2. Operational regulations.

- a. No pit, spoil, tailings, waste or material incidental or accessory to surface mining shall be located closer to adjacent property lines, public road rights-of-way, lakes or rivers than 200 feet, and not closer than 500 feet to a private residence or public building. This setback may be excepted provided the adjacent property has a legally existing strip or surface mine in operation thereon and further provided the owner(s) or the surface mineral rights has provided the operator or permittee with a consent for same in writing.
- b. The operator or permittee shall divert water from the active pit areas in a manner designed to reduce siltation, erosion or other damage to streams and natural watercourses. As mining begins, all drainage ways which flow from the active pit areas must be protected.
- c. All roads must be maintained in a manner approved by the City Engineer to reduce dust.
- d. The general operation of the dumping of pit, soil, tailings, waste or other materials, shall be in a manner that pollution of streams or lakes are controlled in conformance with regulations of the Environmental Protection Agency and ADEM.
- e. The use of explosives for the purpose of blasting in connection with surface mining shall be done in accordance with the rules, regulations, and standards as set forth by the U.S. Bureau of Mines, the coal mining laws of the State of Alabama and the open pit and quarry safety rules of the State of Alabama. No blasting shall be performed before 7 am or after 7 pm, except as required, to comply with the above regulations.
- f. The City Engineer or any member of his staff, or a person designated by the City, may enter upon the affected lands at any reasonable time for the purpose of inspection to determine whether the provisions of this Section are being complied with.

3. Insurance and bonds.

- a. The application for permit shall be accompanied by a certificate of insurance certifying that the applicant has in force a public liability insurance policy issued by an insurance company authorized or licensed to do business in the State of Alabama covering all strip or surface mining operation of the applicant on lands or premises affected by such application and affording personal injury and property damage protection. The insurance shall cover the operator, all of its agents and employees, and shall not be less than \$1,000,000 for personal injury and \$1,000,000 for property damage. The City Engineer may waive the provisions of this subsection upon the operator posting securities, in the amount of \$1,000,000, of the same type and in the same manner as specified in this section.
- b. Each application for a permit shall be accompanied by a bond in accordance with the Soil Erosion and Sediment Control Code per acre of affected land. State bonding requirements shall be credited toward the bond per acre required herein. No bond however, shall be for less than five thousand dollars (\$5,000). Any bond herein required to be filed with the City

Engineer by the applicant shall be payable to the City for the surface mining and reclamation fund and conditioned that the operator shall faithfully perform all applicable requirements of the permit. Such bonds shall be signed by the operator, as principal, and by a good and sufficient corporate surety authorized or licensed to do business in the State of Alabama, as surety.

- c. In lieu of the hereinabove required bond, the operator may elect to submit to the City Engineer cash or negotiable bonds of the United States government, or the State of Alabama, or any municipality within the state. The amount of cash or market value of such securities shall be equal at least to the amount of the bond. The City Engineer shall, upon receipt of any such cash or securities, immediately deposit the same with the Finance Director of the City, whose duty it shall be to receive and hold the same in the name of the City, in trust, for the purposes for which such a deposit is made. The Finance Director shall at all times be responsible for the custody and safekeeping of such deposits. The operator making the deposit of securities shall be entitled from time to time to demand and receive from the Finance Director, on the written order of release of the City Engineer, the whole or any portion of any securities so deposited, upon depositing with the City Engineer in lieu thereof cash or other negotiable securities of the classes herein specified having a market value at least equal to the sum of said securities; provided, however, that where securities, deposited as aforesaid, mature or are called, the Finance Director, at the request of the operator, shall convert such securities into such other negotiable securities of the classes herein specified as may be designated by the operator. The total coverage of the bond or amount of cash and securities shall be increased or reduced from time to time as land is added or withdrawn from the area covered by the permit as provided in this section.
- d. Whenever an operator shall have completed all applicable requirements under the permit for part or all of the affected land, he shall notify the City Engineer thereof. The bond may be released as specified in the Soil Erosion and Sediment Control Code.
- e. A bond filed as above prescribed shall be conditioned so that it cannot be canceled by the surety with less than ninety days written notice to the City Engineer. If a bond is canceled after such notice, the operator shall on or before the effective date of such cancellation, substitute another bond or cash or securities as provided herein.
- f. If the authorization or license to do business with the State of Alabama of any surety upon a bond filed with the City Engineer pursuant to this Ordinance shall be suspended or revoked, the operator, shall substitute for such surety a good and sufficient corporate surety licensed to do business in the State of Alabama, or another bond, or cash or securities in lieu thereof as provided hereinabove.
- g. The failure of the operator to make substitution of surety bond, cash or securities, as provided above, shall result in the suspension of the permit of the operator to conduct any operation on the affected land in such permit in accordance with this section. If such permit is revoked, the operator shall not conduct further mining of the affected land or premises until substitution as provided hereinabove has been made.
- h. All sums received through the forfeiture of bonds, the recovery of civil penalties, or otherwise for the reclamation of disturbed lands shall be placed in the general fund of the City and credited to an account designated as the surface mining and reclamation fund. This fund, which is hereby established, shall be available to the Council of the City for expenditures only for the purpose of reclamation and revegetation of the land affected,

subsequent to the enactment of this Section. Defaulted bond funds shall be first applied to reclaiming the lands covered by the surface mining and reclamation fund of the City.

4. Reclamation. The permittee shall notify the City Engineer within thirty days after termination of the operation, or prior to the termination at any time, and shall reclaim the affected lands in accordance with the following provisions:
 - a. The operator or permittee shall backfill the final pit by sloping the last spoil pile toward the high wall to a minimum depth of seven feet above the bottom mineral seam.
 - b. If any of the affected lands are toxic, deficient in plant nutrients, composed of sand, gravel, shale or stone to such extent as to prohibit plant growth, the applicant shall be required to cover such area with overburden material or fertilizers to promote revegetation. To establish the condition of soil or affected lands, the City Engineer may require the permittee or operator to submit test results or documentation.
 - c. A permittee with legal title or right may construct dams of earth or other materials in cuts of all operations when lakes may be formed, and cause lakes to be formed, provided that the formation of said lakes will not interfere with underground or other mining operations or cause damage to adjoining property, or establish a stagnant lake or pond. If permittee elects to form lakes or ponds as part of his reclamation efforts, he shall cover any toxic seam on the bottom of the open pit to a depth of two feet. The permittee is encouraged to make such lake or pond accessible to wildlife.
 - d. The permittee may elect to reclaim the affected land for range, agricultural or horticultural, home site, recreational, industrial or commercial uses but no such election shall result in grading to a lesser extent than set forth in this Subsection or establish a vested interest to a rezoning for such uses.
 - e. The permittee shall complete the contouring of all spoil piles within twelve months from the date of expiration of the surface mining operations.
 - f. The permittee shall perform planting and revegetation during the first planting season after regrading is complete; however, the outer slope shall be revegetated as soon as possible to provide quick growth cover and reduce erosion.
 - g. The operator or permittee shall cover the face of any toxic material left exposed in the bottom of the pit by surface mining with overburden material to a depth of two feet.
 - h. The operator or permittee shall eliminate all high walls except the final high wall of each pit and construct two access ways to the area above the high wall for each horizontal mile of said final high wall.
 - i. When final reclamation is assumed, if affected lands are being developed for forestry, the operator will, in addition to trees, establish a protective covering of some other type plant, such as grass, to assist in preventing excessive erosion pending the development of forest tree seedlings into trees.
5. Revocation of permits.
 - a. The City Engineer may revoke any permit upon:
 - i. Revocation of state permit.
 - ii. Expiration or cancellation of liability insurance.
 - iii. Expiration or cancellation of reclamation bond.

- iv. Violation of any regulation herein provided, however, no permit shall be revoked until the City Engineer shall, in writing, advise the permittee of the reason for such revocation, and allow such permittee or operator a reasonable period of time not exceeding sixty days to correct such violation or other defect. If after this period, the permittee or operator so notified remains in violation, the City Engineer may cause to have issued and served upon the permittee or operator alleged to be committing such violation, a written notice which shall require the permittee or operator so complained against to answer the charges of such formal complaint at a hearing before the City Engineer at a time not less than ten days nor more than thirty days after the service of such notice. The charged permittee or operator may appear in person or by representative or counsel at such hearing. After such hearing the City Engineer shall enter such order as deemed appropriate on the basis of the facts presented and forthwith mail a copy thereof to the charged permittee or operator or its attorney of record and to the Council of the City. If such order of the City Engineer is not complied with and is then not the subject of an appeal to the Council of the City or appropriate Court as herein provided, the City Engineer may cause to have instituted a civil action in any Court of a competent jurisdiction to forfeit the bond of the permittee or operator as to land affected by the permittee or operator's violation of this regulation, or for injunctive or other appropriate relief to prevent any further or continued violation of such final order.
- b. Any permittee or operator may appeal any order of the City Engineer to the Council of the City and hence, to the Circuit Court of Jefferson County as prescribed by law. During the period of appeal by such permittee or operator, the City Engineer shall not commence separate legal proceedings as herein authorized nor shall any permit be revoked until final adjudication of the appeal.
- c. Nothing in this regulation shall prevent the City Engineer from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means. This regulation specifically directs and encourages the City Engineer to exhaust conciliatory efforts before taking formal action against permittee or operator as provided herein.

J. **Salvage Yard or Scrap Metal Processor.** In the M-2 district a salvage yard or a scrap metal processor shall be permitted provided that the following conditions are met:

- 1. The use is granted the appropriate license for operation by the Council.
- 2. An opaque fence is erected along the entire perimeter of the site that meets the following conditions:
 - a. The fence design including materials and height is approved by the Director.
 - b. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.
 - c. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.
 - d. The wall or fence (including gates) may be required to be erected higher than eight feet, but not more than 12 feet, if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable scrap materials to be readily viewed.

- e. If the salvage yard or scrap metal processor abuts any dwelling, mixed-use or commercial district, a landscape buffer shall be provided per Chapter 6, Article III of this Ordinance.
 - f. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public.
3. Removal of all fluids from any vehicle must be conducted in a structure with an impervious surface such that all fluids removed are contained and maintained so that they do not run-off with rain water into the storm drain system or enter the sanitary sewer system.
 4. Any pile of material on-site shall not be higher than the screening fence approved for the site.
 5. Any materials stored or that are the result of any process that are friable and potential airborne or can be washed away by stormwater shall be stored in an enclosed structure that prevents the materials from being blown on to any other lot.

K. Timbering. In the I-4 district timbering shall be permitted provided that the following conditions are met:

1. The minimum lot area for timbering shall be 40 acres.
2. All timbering operations shall be in accordance with the approved forest management plan. A forest management plan shall include:
 - a. a detailed description of the property to be timbered including its current condition, characteristics of adjacent property, influence on water quality, identification of cultural and historical resources, and the presence of any environmentally sensitive features;
 - b. a narrative description of all harvesting procedures, techniques for harvesting in sensitive areas, the location of main haul roads, skid trails, potential log landings and stream or drainage crossings, and timing of harvest;
 - c. a reforestation plan;
 - d. a depiction of all required buffer areas.
3. Streamside management zones at least 50 feet in width, within which no timbering may occur, shall be preserved on each side of all perennial and intermittent streams.
4. All property which is forested or timbered shall be replanted with seedling trees at a rate of 400 per acre, within one year or the next growing season after the forestry operation is completed.
5. If trees are removed from the buffer areas in excess of the provision of (3), the property owner shall be responsible for replanting the number removed with two and one-half inch (2 ½") caliper trees.
6. At a minimum, these uses shall have driveway access on nonresidential collector streets.
7. Where the site abuts a residential zone district or district permitting residential use, screening in the form of a buffer yard shall be applied per Chapter 6, Article III of this Ordinance or maintained continuously within the setback area where the best opportunity exists to screen the operation, placed either on the property boundary, along the perimeter of operation, or both.
8. Reforestation Plan. The application shall include plans for the re-planting of the site after the operation is terminated. The applicant shall execute a performance bond in an amount necessary for restoration of the property to assure the stability, and drainage, including the removal of all structures and machinery.
9. Before any permits may be used or work begins for timbering, the owner or operator must have applied for and received a Clearing and Earthwork permit and/or a permit from the City Engineer of the City as herein provided. Any person lawfully engaged in timbering shall immediately secure such permit or

cease operation of timbering. Applicants for a permit shall file an application with the City Engineer which shall contain the following information and comply with the Soil Erosion and Sediment Control Code of the City:

- a. The name of applicant and whether individual, partnership, corporation or other legal entity.
- b. Legal address of the applicant for process of legal service or notice and the address of each mining operation.
- c. The name and address of the agent, subsidiaries or independent contractors who may be engaged in strip surface mining on behalf of the applicant on the land or premises to be affected. Any agent, subsidiary or independent contractor engaged by the applicant subsequent to issuance of a permit shall be identified by written notice to the City Engineer within thirty days of such engagement; however such engagement shall not relieve the permittee of responsibility hereunder.
- d. A statement of whether the applicant, any subsidiary, affiliate or persons controlled by or under common control with the applicant, has ever had a permit suspended or revoked by the City, Jefferson County, the State of Alabama, or any other state, or has ever had a bond, or security deposited in lieu of bond, forfeited.
- e. All names under which the applicant previously operated or is now engaging in timbering within the City.
- f. A legal description of the land or premises upon which the applicant proposes to engage in timbering including a map at a suitable scale noting the date prepared and showing:
 - i. The areas of proposed operation under the said permit, if issued.
 - ii. The location of all existing and proposed structures.
 - iii. A 500 foot setback line or buffer from all adjacent property, public road rights-of-way, and a 200 foot setback line or buffer from all rivers, streams, or public lakes.
 - iv. The total acreage of land or premises proposed for timbering.
 - v. The existing and proposed surface drainage plans for the area of land or premises proposed for timbering noting approvals or requirements by ADEM, the Environmental Protection Agency or other governmental agencies.
 - vi. A land surveyor registered in the State of Alabama certification which shall read as follows: ("I (land surveyor's name and State of Alabama registration number), hereby certify that this is a true and accurate map and shows to the best of my knowledge and according to my survey all information required by Appendix A, General Code of the City of Birmingham, Alabama (Zoning Ordinance)." The certification shall be signed and notarized. The failure to include the required certificate shall void said application for permit.
 - vii. Evidence of liability insurance in the amount required herein.
 - viii. Evidence of reclamation bond in the amount required herein.
 - ix. Evidence that the affected lands or premises are zoned I-4 Mining, Timbering and Landfill District in the form of a zoning certificate issued by the appropriate agency of the City.

- g. The fee for a permit shall be in accordance with the Erosion Control Code and shall be submitted with the application. All sums received through payment of application fees shall be paid through the City Engineer.
- h. If a permittee succeeds another at any uncompleted operation by sale, assignment, lease, or otherwise, the City Engineer may release the first permittee from all liability requirements of this regulation after the successor has filed a completed application, and the successor permittee assumes full liability for timbering, conservation, and reclamation procedures established therein. Any agent, subsidiary or independent contractor engaged by the applicant or permittee subsequent to issuance of a permit shall be identified to the City Engineer within thirty days of its engagement. The utilization of an agent, subsidiary or subcontractor shall not relieve the permittee of its responsibility hereunder except as hereinabove provided.
- i. Each permit shall remain in effect for twelve months unless previously revoked or otherwise terminated as provided herein. Request for additional permits or extensions of permits shall be submitted in the same manner as the first application.

10. Operational regulations.

- a. No cut timber or waste or material incidental or accessory to timbering shall be located closer to adjacent property lines, public road rights-of-way, lakes or rivers than 50 feet, and not closer than 200 feet to a private residence or public building.
- b. The operator or permittee shall divert water from the timbering areas in a manner designed to reduce siltation, erosion or other damage to streams and natural watercourses. As timbering begins, all drainage ways which flow from active timbering areas must be protected.
- c. All roads must be maintained in a manner approved by the City Engineer to reduce dust.
- d. The general operation of the dumping of timbering waste or other materials, shall be in a manner that pollution of streams or lakes are controlled in conformance with regulations of the Environmental Protection Agency and ADEM.
- e. The City Engineer or any member of his staff, or a person designated by the City, may enter upon the affected lands at any reasonable time for the purpose of inspection to determine whether the provisions of this Section are being complied with.

11. Insurance and bonds.

- e. The application for permit shall be accompanied by a certificate of insurance certifying that the applicant has in force a public liability insurance policy issued by an insurance company authorized or licensed to do business in the State of Alabama covering all timbering operation of the applicant on lands or premises affected by such application and affording personal injury and property damage protection. The insurance shall cover the operator, all of its agents and employees, and shall not be less than one million dollars (\$1,000,000) for personal injury and one million (\$1,000,000) for property damage. The City Engineer may waive the provisions of this subsection upon the operator posting securities, in the amount of one million dollars (\$1,000,000), of the same type and in the same manner as specified in this section.
- f. Each application for a permit shall be accompanied by a bond in accordance with the Soil Erosion and Sediment Control Code per acre of affected land. State bonding requirements shall be credited toward the bond per acre required herein. No bond however, shall be for less than five thousand dollars (\$5,000). Any bond herein required to be filed with the City

Engineer by the applicant shall be payable to the City for the timbering reclamation fund and conditioned that the operator shall faithfully perform all applicable requirements of the permit. Such bonds shall be signed by the operator, as principal, and by a good and sufficient corporate surety authorized or licensed to do business in the State of Alabama, as surety.

- g. In lieu of the hereinabove required bond, the operator may elect to submit to the City Engineer cash or negotiable bonds of the United States government, or the State of Alabama, or any municipality within the state. The amount of cash or market value of such securities shall be equal at least to the amount of the bond. The City Engineer shall, upon receipt of any such cash or securities, immediately deposit the same with the Finance Director of the City, whose duty it shall be to receive and hold the same in the name of the City, in trust, for the purposes for which such a deposit is made. The Finance Director shall at all times be responsible for the custody and safekeeping of such deposits. The operator making the deposit of securities shall be entitled from time to time to demand and receive from the Finance Director, on the written order of release of the City Engineer, the whole or any portion of any securities so deposited, upon depositing with the City Engineer in lieu thereof cash or other negotiable securities of the classes herein specified having a market value at least equal to the sum of said securities; provided, however, that where securities, deposited as aforesaid, mature or are called, the Finance Director, at the request of the operator, shall convert such securities into such other negotiable securities of the classes herein specified as may be designated by the operator. The total coverage of the bond or amount of cash and securities shall be increased or reduced from time to time as land is added or withdrawn from the area covered by the permit as provided in this section.
- h. Whenever an operator shall have completed all applicable requirements under the permit for part or all of the affected land, he shall notify the City Engineer thereof. The bond may be released as specified in the Soil Erosion and Sediment Control Code.
- i. A bond filed as above prescribed shall be conditioned so that it cannot be canceled by the surety with less than ninety days written notice to the City Engineer. If a bond is canceled after such notice, the operator shall on or before the effective date of such cancellation, substitute another bond or cash or securities as provided herein.
- j. If the authorization or license to do business with the State of Alabama of any surety upon a bond filed with the City Engineer pursuant to this Ordinance shall be suspended or revoked, the operator, shall substitute for such surety a good and sufficient corporate surety licensed to do business in the State of Alabama, or another bond, or cash or securities in lieu thereof as provided hereinabove.
- k. The failure of the operator to make substitution of surety bond, cash or securities, as provided above, shall result in the suspension of the permit of the operator to conduct any operation on the affected land in such permit in accordance with this section. If such permit is revoked, the operator shall not conduct further timbering of the affected land or premises until substitution as provided hereinabove has been made.
- l. All sums received through the forfeiture of bonds, the recovery of civil penalties, or otherwise for the reclamation of disturbed lands shall be placed in the general fund of the City and credited to an account designated as the timbering and reclamation fund. This fund, which is hereby established, shall be available to the Council of the City for expenditures only for the purpose of reclamation and revegetation of the land affected,

subsequent to the enactment of this Section. Defaulted bond funds shall be first applied to reclaiming the lands covered by the surface mining and reclamation fund of the City.

12. Reclamation. The permittee shall notify the City Engineer within thirty days after termination of the operation, or prior to the termination at any time, and shall reclaim the affected lands in accordance with the following provisions:

- e. Permittee shall enact their reforestation plan.
- b. The permittee shall perform planting and reforestation during the first planting season after timbering is complete.
- c. Prior to reforestation, the operator will, in addition to trees, establish a protective covering of some other type plant, such as grass, to assist in preventing excessive erosion pending the development of forest tree seedlings into trees.

13. Revocation of permits.

- a. The City Engineer may revoke any permit upon:
 - i. Expiration or cancellation of liability insurance.
 - ii. Expiration or cancellation of reclamation bond.
 - iii. Violation of any regulation herein provided, however, no permit shall be revoked until the City Engineer shall, in writing, advise the permittee of the reason for such revocation, and allow such permittee or operator a reasonable period of time not exceeding sixty days to correct such violation or other defect. If after this period, the permittee or operator so notified remains in violation, the City Engineer may cause to have issued and served upon the permittee or operator alleged to be committing such violation, a written notice which shall require the permittee or operator so complained against to answer the charges of such formal complaint at a hearing before the City Engineer at a time not less than ten days nor more than thirty days after the service of such notice. The charged permittee or operator may appear in person or by representative or counsel at such hearing. After such hearing the City Engineer shall enter such order as deemed appropriate on the basis of the facts presented and forthwith mail a copy thereof to the charged permittee or operator or its attorney of record and to the Council of the City. If such order of the City Engineer is not complied with and is then not the subject of an appeal to the Council of the City or appropriate Court as herein provided, the City Engineer may cause to have instituted a civil action in any Court of a competent jurisdiction to forfeit the bond of the permittee or operator as to land affected by the permittee or operator's violation of this regulation, or for injunctive or other appropriate relief to prevent any further or continued violation of such final order.
- b. Any permittee or operator may appeal any order of the City Engineer to the Council of the City and hence, to the Circuit Court of Jefferson County as prescribed by law. During the period of appeal by such permittee or operator, the City Engineer shall not commence separate legal proceedings as herein authorized nor shall any permit be revoked until final adjudication of the appeal.
- c. Nothing in this regulation shall prevent the City Engineer from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

This regulation specifically directs and encourages the City Engineer to exhaust conciliatory efforts before taking formal action against permittee or operator as provided herein.

L. **Truck Repair, Heavy.** In the I-3 district, a truck service shop shall be permitted provided that the following conditions are met:

1. No visibly disabled, abandoned or inoperable trucks shall be stored on the premises.
2. No truck to be repaired shall remain on the premises more than sixty days.
3. Submittal of a site development plan, to be approved by the ZAC.

M. **Warehouse.** In the following districts: I-1, I-2 and I-3, a warehouse shall be permitted provided that the following conditions is met:

1. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.

N. **Warehouse, Office.** In the C-2, I-1, I-2 and I-3 districts an office/warehouse shall be permitted provided that the following conditions are met:

1. Where such facilities are on a lot adjacent to a dwelling zone district, a landscape buffer yard shall be required per Chapter 6, Article III of this Ordinance.
2. In the C-2 district an office/warehouse shall be limited to 50,000 square feet.
3. In the C-2 district, the following conditions must be met:
 - a. No outdoor storage shall be permitted
 - b. At least sixty percent of the gross floor area is used as office.
 - c. Two loading docks or service doors shall be allowed provided that they shall not face dwelling districts and be located at the rear of the building. If all sides abut dwelling districts, the loading docks or service doors must be screened with an opaque fence or evergreen planting of at least 6 feet.
4. Any office/warehouse located in a Commercial Revitalization District or Historic District must meet the following requirements:
 - a. The first floor of the building must have a minimum of 50% floor area at ground level for retail, restaurant or office space (not associated with the mini warehouse use).
 - b. Access to storage areas must be internal to the building.
 - c. The loading docks or service doors shall be designed to limit disruptions to urban, multi-modal traffic and be located at the rear of the building that abuts the alley or as near to the alley as possible at an existing curb cut or as determined by the Department of Transportation.
 - d. Frontage Façade Standards:
 1. Frontage Façade Buildout – 60% minimum
 2. Main pedestrian entrance must be along frontage façade and as near to the corner of an intersecting street as possible.
 3. Building must be parallel to frontage lines
 4. Blank walls are not permitted at frontage
 5. Frontage façade void area – 20% to 60% of total frontage façade

6. Area Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart
7. Frontage façade glazing: 70% for shopfront
8. Upper floor openings and other features must be aligned with some component of first floor.
9. To maintain urban fabric and context, frontage facades shall be designed utilizing materials that are compatible to adjacent buildings.

O. **Wrecker Service with outside storage of disabled vehicles.** In the I-2 district a wrecker service that stores disabled vehicles shall be permitted provided that the following conditions are met:

1. The use is granted the appropriate license for operation by the Council.
2. A nontransparent fence is erected along the entire perimeter of the site that meets the following conditions:
 - a. The fence design including materials and height is approved by the Director.
 - b. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.
 - c. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.
 - d. The wall or fence (including gates) may be required to be erected higher than eight feet if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable scrap materials to be readily viewed.
 - e. If the salvage yard or scrap metal processor abuts any dwelling, mixed-use or commercial district, a landscape buffer shall be provided per Chapter 6, Article III of this Ordinance.
 - f. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public.
3. No vehicles shall remain on the lot more than 90 days.

P. **Wrecker Impound Lot.** In the I-2 district a wrecker impound lot shall be permitted by the Board provided that the following conditions are met:

1. Where a wrecker impound lot is adjacent to a dwelling district, screening in the form of a landscape buffer yard shall be applied per Chapter 6, Article III of this Ordinance.
2. No vehicles shall remain on the lot more than 90 days.
3. A nontransparent fence is erected along the entire perimeter of the site that meets the following conditions:
 - a. The fence design including materials and height is approved by the Director.
 - b. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.

- c. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.
- d. The wall or fence (including gates) may be required to be erected higher than eight feet if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable scrap materials to be readily viewed.
- e. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public.

SECTION 6. BE IT ORDAINED by the Council of the City of Birmingham, that Title 1, Chapter 4, Article III: Uses Permitted by Special Exception (SE), Section 7. Communication special exceptions, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 7. Communication special exceptions.

- A. **Broadcast Satellite.** In the C-1, PRD, and MXD districts a special exception may be granted by the Board provided that the following conditions are met:
1. All requirements of Chapter 4, Article V are met.
- B. **Broadcast Tower.** In the I-1, I-2, I-3, I-4, PRD, MXD AND AG districts a special exception may be granted by the Board provided that the following conditions are met:
1. All requirements of Chapter 4, Article V are met.
- C. **Cellular, Microwave or Two-Way Towers.** In the D-1, D-2, D-3, D-4, D-5, MU-L, MU-M, C-1, MXD and HID districts a special exception may be granted by the Board provided that the following conditions are met:
1. All requirements of Chapter 4, Article V are met.
- D. **Fiber Hut or ILA (In-Line Amplifier Hut).** In the D-1, D-2, D-3, D-4, D-5, UN, MXD residential use groups 1, 2 and 3, AND AG districts a special exception shall be permitted by the Board provided that the following conditions are met:
1. A fiber hut shall maintain a minimum separation of twenty (20) feet from any residential zoning district or urban neighborhood district. This setback includes all buildings and ancillary equipment and shall be measured from any building/ancillary equipment to the nearest property line in the residential or urban neighborhood district.
 2. Along all residential zoning districts and the urban neighborhood district, screening in the form of a standard B landscape buffer shall be applied along any common property lines per Chapter 6, Article I of this Ordinance.
 3. All exterior materials, finishes, and colors shall be non-reflective and designed to blend with surrounding development or existing site features.
 4. The fiber hut shall not include signage other than equipment identification or emergency contact information required by law.
 5. The fiber hut shall not be used for data storage, data processing, or server hosting functions that would otherwise classify the facility as a data center.
 6. All roof-mounted and ground-mounted mechanical equipment shall be screened from public view in accordance with Chapter 6 of this Ordinance.

SECTION 7. BE IT ORDAINED by the Council of the City of Birmingham, that Title 1, Chapter 4, Article III: Uses Permitted by Special Exception (SE), Section 8. Manufacturing and Industrial special exceptions, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 8. Manufacturing and Industrial special exceptions.

A. Hyperscale Data Center. In the I-1 and MXD commercial use group 3 districts a special exception shall be permitted by the Board provided that the following conditions are met:

~~1. Location and Separation.~~

- ~~i. In I-1, a hyperscale data center shall maintain a minimum separation of five hundred (500) feet from any residential zoning district or urban neighborhood district. This setback includes all buildings and ancillary equipment and shall be measured from any building/ancillary equipment to the nearest property line in the residential or urban neighborhood district.~~
- ~~ii. No hyperscale data center shall be permitted within one thousand (1,000) feet, from any fixed guideway transit station, bus rapid transit station, commuter rail station, or other high-capacity transit facility designated by the City. The method of measurement that shall be used is a straight line measured from the closest portion of a lot or property that is occupied by the Hyperscale Data Center.~~
- ~~iii. A hyperscale data center shall be located on a lot containing a minimum of five (5) acres. The required minimum lot area shall not be satisfied through aggregation of non-contiguous parcels. No subdivision of the lot shall occur that reduces the remaining lot area below five (5) acres for so long as the hyperscale data center remains in operation.~~

~~2. Electrical Demand.~~

- ~~i. The applicant shall provide:
 - ~~a. Estimated peak electrical demand expressed in megawatts.~~
 - ~~b. Identification of anticipated development phases.~~
 - ~~c. Estimated aggregate electrical demand at ultimate build-out.~~~~

~~3. Water Use and Cooling Systems.~~

- ~~i. The applicant shall provide:
 - ~~a. Estimated average daily, peak daily, and total annual water use, expressed in gallons.~~
 - ~~b. A description of the proposed cooling system or systems.~~
 - ~~c. Identification of the water source, including municipal, recycled, or other sources.~~~~

- ~~d. A description of water reuse and efficiency measures.~~
- ~~e. The applicant shall submit a water conservation and efficiency plan describing measures to reduce potable water consumption and minimize impacts to municipal water and wastewater systems.~~
- ~~f. The applicant shall also demonstrate that adequate water and wastewater capacity exists to serve the proposed development.
 - ~~a. If the hyperscale data center is served by a public water supply, the applicant shall submit documentation from the public authority certifying that there is an adequate supply of water for the proposed hyperscale data center and that the public authority will supply the water needed.~~
 - ~~b. If the hyperscale data center is served by a nonpublic water source, the applicant shall submit a water feasibility study. This study should explain if there is an adequate supply of water for the hyperscale data center and estimate the proposed impact on existing wells, groundwater and surface waters in the surrounding areas. The water feasibility study must demonstrate that the anticipated water supply yield is adequate for the hyperscale data center and that the proposed water withdrawals and discharges will not endanger or adversely affect the quantity or quality of groundwater supplies or surface waters in the surrounding areas.~~~~

~~4. Stormwater Connections and Discharge.~~

- ~~i. No hyperscale data center shall create, maintain, or permit any illicit connection or illicit discharge to the municipal storm water system.~~
- ~~ii. The City Engineer, or their authorized agent, shall take appropriate steps to detect and eliminate illicit connections and eliminate improper disposal and or discharge to the City's MS4, including required dry weather and wet weather screening programs to identify sources from land disturbing activities.~~
- ~~iii. Any discharge made in violation of Chapter 4 of the Birmingham City Code or any condition of a permit issued pursuant thereto is declared a public nuisance and shall be subject to correction and or abatement in accordance with applicable law.~~

~~5. Backup Power and Generators.~~

- ~~i. The applicant shall provide:
 - ~~a. Generator type and fuel source.~~
 - ~~b. Total generator capacity.~~
 - ~~c. Proposed testing and maintenance schedule, including hours of operation.~~
 - ~~d. A description of noise mitigation measures.~~~~

~~6. Utility Infrastructure.~~

~~i. The applicant shall provide:~~

- ~~a. Identification of all utility providers serving the site.~~
- ~~b. A description of all on-site and off-site utility infrastructure required to serve the facility.~~
- ~~c. Identification of any new or expanded substations, transmission lines, distribution lines, switching stations, or similar facilities.~~
- ~~d. Identification of the location and extent of any off-site utility work.~~
- ~~e. Written confirmation from the serving electric utility indicating that the necessary capacity is available and will be provided to serve the facility. Known impacts on electric rates or availability for other uses directly attributable to the hyperscale data center shall be noted.~~

~~7. Site Development Plan.~~

~~i. The applicant shall submit a site plan that includes:~~

- ~~a. Building locations and dimensions.~~
- ~~b. Placement of all ancillary infrastructure, including generators, cooling systems, substations, and related equipment.~~
- ~~c. Required setbacks and separation distances.~~
- ~~d. Screening, buffering, and landscaping.~~
- ~~e. Access, circulation, and service areas.~~
- ~~f. Utility connections and infrastructure improvements.~~

~~8. Applicants shall submit a pre-construction noise study and a post-construction noise study demonstrating compliance with this section.~~

~~9. Backup Power Operations.~~

- ~~i. Backup generators shall be used only during power outages, emergencies, or required testing and maintenance. For the purposes of this use, an emergency is defined as a condition or event that poses an immediate threat to life, public health, safety or property.~~
- ~~ii. Routine generator testing shall be limited to daytime hours.~~
- ~~iii. Backup generators shall meet the most current applicable emissions standards and shall be enclosed or acoustically screened.~~
- ~~iv. Backup power systems shall not be used for routine grid support, economic dispatch, or non-emergency power generation.~~

~~10. On Site Power Generation.~~

- ~~i. On-site power generation by any means, except solar, as a primary, parallel or routine source of electrical power for data center operations, shall be strictly prohibited.~~

- ii. ~~On site power generation systems utilizing fossil fuels, including but not limited to natural gas, diesel, or similar fuels, shall be permitted solely for emergency backup power, testing, and maintenance purposes, and shall not be designed, sized, or operated to provide continuous, routine, or supplemental power to the electrical grid or to data center operations during normal conditions.~~
 - iii. ~~The classification of a power generation system shall be determined by its intended design, operational capacity, and functional use, and not solely by the terminology used by the applicant.~~
 - iv. ~~On site battery storage, where that battery is charged via grid power or on-site solar to supplement power supply in the event of outages or during peak demand hours, is permitted.~~
11. ~~All roof mounted and ground mounted mechanical equipment, generators, cooling systems, and substations shall be screened from public view through building design, walls, fencing, or a standard C landscaping buffer in accordance with Chapter 6, Article III of this Zoning Ordinance.~~
 12. ~~Facilities containing battery storage systems shall submit emergency response coordination plans subject to review by the Fire Department.~~
 13. ~~Any increase in gross floor area, electrical demand, water consumption, cooling capacity, backup power generation, or fuel storage capacity initial approval shall be deemed a material change or expansion in use and shall require a new review for compliance with conditions in this section.~~
 14. ~~Where development is proposed in phases, the applicant shall disclose the anticipated ultimate build-out of the data center facility, including total square footage, electrical demand, water use, cooling systems, and backup power infrastructure. Review and classification shall be based on ultimate build out capacity.~~
 15. ~~Hyper-scale Data Centers shall utilize closed loop cooling systems designed to recirculate water and minimize the use of potable water for cooling purposes. Use of potable water for cooling shall be limited to initial system charging, system maintenance, emergency operations, or other limited circumstances approved by the City, and shall not be relied upon for continuous or routine cooling operations.~~
 16. ~~The applicant shall submit a detailed description of the proposed closed loop water system, including system type, operating parameters, anticipated make up water requirements, and measures to minimize water loss through evaporation, blowdown, or discharge. Where feasible, the applicant shall identify the use of non-potable water sources, including reclaimed water, treated wastewater, or other alternative sources, as part of the cooling system design.~~
 17. ~~Closed loop cooling systems shall be maintained to prevent accumulation of contaminants, scale, biological growth, and heavy metals. Any cleaning, flushing, or blowdown activities shall be conducted in a manner that prevents uncontrolled discharge to stormwater systems, surface waters, or adjacent properties.~~
 18. ~~Any discharge of cooling water, including blowdown or system flushing, shall:~~

- ~~i. Be pre-treated to remove heavy metals, chemical additives, and other contaminants associated with cooling operations; and~~
- ~~ii. Be cooled to a temperature consistent with applicable state and local discharge standards prior to entering any municipal wastewater system or receiving water body.~~

~~19. Lighting Requirements:~~

- ~~i. All outdoor luminaires and luminaire installations shall comply with federal and state law; county and municipal codes; applicable energy and building codes; product safety labeling; and shall be subject to the appropriate permit and inspection requirements thereof.~~

~~ii. Lighting Distribution.~~

- ~~a. Uplight and Very High Angle — Unless otherwise specified, luminaires emitting more than 1,000 lumens shall be zero uplight or either emit no more than 5% of their total lumen output above 80 degrees, except for luminaires used for façade illumination which are shielded and aimed such that their direct light emission is contained to the architectural target.~~

- ~~b. Trespass — Unless otherwise specified, light trespass shall meet the following:~~

- ~~a. Luminaire lamp sources shall not be visible from state or federal wilderness, natural area or other areas designated for natural protection; and light trespass shall not exceed one-tenth (0.1) lux.~~

- ~~b. Light trespass onto waters of the United States shall not exceed one (1) lux.~~

- ~~c. Light trespass onto residentially zoned property shall not exceed three (3) lux when measured fifteen (15) ft inside the property line or at the dwelling façade, whichever distance is closest to the property line.~~

- ~~d. Light trespass onto public right-of-way shall not exceed five (5) lux e).~~

- ~~e. Unless otherwise specified, the maximum allowable correlated color temperature (CCT) for outdoor luminaires is 3000 K.~~

~~B. Wrecker Impound Lot. In the I-1 district a special exception shall be permitted by the Board provided that the following conditions are met:~~

- ~~1. Where a wrecker impound lot is adjacent to a dwelling district, screening in the form of a landscape buffer yard shall be applied per Chapter 6, Article III of this Ordinance.~~
- ~~2. No vehicles shall remain on the lot more than 90 days.~~
- ~~3. A nontransparent fence is erected along the entire perimeter of the site that meets the following conditions:~~

- ~~i. The fence design including materials and height is approved by the Director.~~
- ~~ii. The wall or fence (including gates) shall be of sound construction utilizing block, brick, stone, concrete, metal sheeting material, reasonably smooth and uniform wood materials, or similar materials upon approval of the Director.~~
- ~~iii. All materials used for wall or fence construction (including gates) shall be of sound and good condition, shall be protected against decay by the use of paint or other preservatives, and shall be uniform in height throughout.~~
- ~~iv. The wall or fence (including gates) may be required to be erected higher than eight feet if the adjacent property is zoned dwelling or if the topography of the surrounding and nearby properties enable scrap materials to be readily viewed.~~
- ~~v. The fence requirement may be modified by the Director if the property's location, or location of the use on the property, is such that the site will not be viewable by the public or structures and/or dense vegetation is adequate to prevent viewing of the site by the public.~~

SECTION 8 7. BE IT ORDAINED by the Council of the City of Birmingham, that Title 1, Chapter 4, Article IV: Uses Permitted as Accessory (PAC), Section 4. Commercial accessory uses, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

Section 4. Commercial accessory uses.

- A. **Accessory Data Center.** In the MU-L, MU-M, MU-H, MU-D, C-1, C-2, HID, I-1, I-2, I-3, AND MXD commercial use groups 1, 2, and 3 districts an accessory data center shall be permitted as an accessory use provided that the following conditions are met:
1. The accessory data center occupies no more than ten percent (10%) of the gross floor area (GFA);
 2. Only serves the on-site enterprise functions of the tenant or property owner;
 3. Is not leased to third parties; and
 4. Is not in a separate stand-alone structure.
 5. All roof-mounted and ground-mounted mechanical equipment shall be screened from public view in accordance with Chapter 6 of this Ordinance.
 6. Stormwater Connections and Discharge.
 - a. No accessory data center shall create, maintain, or permit any illicit connection or illicit discharge to the municipal storm water system.
 - b. Any discharge made in violation of Chapter 4 of the Birmingham City Code or any condition of a permit issued pursuant thereto is declared a public nuisance and shall be subject to correction and or abatement in accordance with applicable law.
- B. **Donation Box.** In the following districts: MU-L, MU-M, MU-H, MU-D, C-1, C2, I-1, I-2 and MXD, a donation box shall be permitted as an accessory use provided the following conditions are met:
1. The donation box is located in a side or rear yard.
 2. The area around donation box is maintained free of donated material, clutter and trash.
 3. A donation box shall not be larger than 16 square feet or taller than eight feet.
 4. No more than 3 donation boxes shall be located on any one lot.
 5. If a parking lot is at least 125,000 square feet, an enclosed trailer may be used in association with donation boxes provided that:
 - a. The trailer is located in a remote area of the parking lot that shall be approved by the Director.
 - b. If the Director deems necessary, landscape screening shall be provided.
 - c. The area around the trailer is maintained free of donated material, clutter and trash.
 - d. Required parking is not reduced by placement of the trailer.
- C. **Drive-in/Drive-through.** In the following districts: MU-L, MU-M, MU-H, C-1, C-2, I-1, I-2, I-3 PRD AND MXD a drive-in or drive-through shall be permitted provided that any drive-in or drive-through shall be located 50 feet from any dwelling district, and in MU-H and MU-D the following conditions are met:

- a. Any drive-in or drive-through shall be located 50 feet from any dwelling district.
- b. Any drive-in or drive-through shall be accessed from an alley, if present.
- c. Any drive-in or drive-through shall be located in a rear or side yard.
- d. Any drive-in or drive-through shall be accessory to the principal use of the lot.

D. **Fiber Hut or ILA (In-Line Amplifier Hut).** In the MU-L, MU-M, MU-H, MU-D, C-1, HID, MXD commercial use group 1, AND PRD districts a fiber hut or ILA shall be permitted as an accessory use provided that the following conditions are met:

- 1. A fiber hut shall maintain a minimum separation of twenty (20) feet from any residential zoning district or urban neighborhood district. This setback includes all buildings and ancillary equipment and shall be measured from any building/ancillary equipment to the nearest property line in the residential or urban neighborhood district.
- 2. Along all residential zoning districts and the urban neighborhood district, screening in the form of a standard B landscape buffer shall be applied along any common property lines per Chapter 6, Article I of this Ordinance.
- 3. All exterior materials, finishes, and colors shall be non-reflective and designed to blend with surrounding development or existing site features.
- 4. The fiber hut shall not include signage other than equipment identification or emergency contact information required by law.
- 5. The fiber hut shall not be used for data storage, data processing, or server hosting functions that would otherwise classify the facility as a data center.
- 6. All roof-mounted and ground-mounted mechanical equipment shall be screened from public view in accordance with Chapter 6 of this Ordinance.

D. **Mobile Grocery Store.** In D-1, D-2, D-3, D-4, and D-5 a mobile grocery store shall be permitted as an accessory use on lots where the primary use is a school, place of worship, a public park, public building or non-profit office provided that the following conditions are met:

- 1. Sales occur on a temporary basis no more than 156 days per year and between the hours of 7:00am and 7:00pm.
- 2. Mobile grocery stores cannot operate for more than three consecutive days at the same location.
- 3. Operator must demonstrate that adequate parking is available on the lot being used by the mobile grocery store or a parking arrangement has been made for a non-dwelling lot that is within 500 feet and is not in use during operating hours.
- 4. A letter or document verifying landowners' permission for the mobile grocery store to operate as an accessory use on the property.
- 5. A letter stating that the mobile grocery store complies with any applicable Jefferson County Department of Health regulations or a letter stating that the mobile grocery store does not require approval by the Jefferson County Department of Health.
- 6. Mobile grocery stores shall not be located within 1,000 feet of the front door of a brick and mortar business selling the same or similar products.

7. Signage is limited to 60 square feet and is limited to signs permanently affixed to or painted on the exterior of the mobile grocery store. Signs shall not be illuminated nor project from the mobile grocery store.
8. A mobile grocery store may have no more than two tables and/or two chairs for customer check-in and processing.
9. No more than one mobile grocery store shall be permitted to operate, per day, at a site/location.
10. No audio or amplification is allowed.

SECTION 9 8. BE IT ORDAINED by the Council of the City of Birmingham that Title 1, Chapter 4, Article V: Specific Development Standards, Section 7. MXD-Planned Mixed Use District, Subsection 5. Permitted Uses, Use Groups, and Use Percentages, B - Use Groups, Ordinance No. 17-51, as amended, is hereby amended to read as follows:

B. Use Groups

1. Open Space Uses - except as noted these uses are allowed in all subareas:
 - a. Parks
 - b. Athletic fields and courts
 - c. Pedestrian paths (See Subsection 6, A, 3)
 - d. Golf courses, boat clubs, marinas, and swimming pools
 - e. Natural undisturbed areas
 - f. Public recreation centers
 - g. Village Greens and Town Squares
 - h. Natatorium, gymnasium, velodrome
 - i. Stadiums and athletic coliseums (permitted in MXD-E Subareas only)
 - j. Other like uses

2. Civic Uses - Except as noted these uses are allowed in all subareas:
 - a. Library
 - b. School, grades K-9
 - c. Municipal services and buildings
 - d. Police and fire stations
 - e. Post offices
 - f. Child Care Centers or Adult Care Facilities
 - g. Non-profit civic or cultural societies (no office buildings)
 - h. Churches, synagogues, and other places of worship
 - i. High Schools, grades 9-12, Colleges, and universities (not allowed in MXD/R)
 - j. Museums and art galleries (not allowed in MXD/R)
 - k. Music center, symphony halls, and amphitheater (not allowed in MXD/R)
 - l. Performing arts theater (not allowed in MXD/R)
 - m. Hospitals (not allowed in MXD/R)
 - n. Public Conference Center (not allowed in MXD/R)
 - o. Other like uses

3. Residential Use Groups
 - a. Residential Use Group 1. Single family detached dwelling units not to exceed seven (7) dwelling units per net acre
 - b. Residential Use Group 2. All uses allowed in Residential Use Group 1 and single family attached and semi-attached dwelling units, single family detached zero lot line dwellings and multi-family units not to exceed twelve (12) dwelling units per net acre.

- c. Residential Use Group 3. All uses allowed in Residential Use Group 2 and multi-family dwelling units not to exceed 29 dwelling units per net acre and Communal Living Facilities with the Board approval

4. Commercial Use Groups

a. Commercial Use Group 1 - Neighborhood Commercial Uses

- i. All uses allowed in Residential Use Group 2
- ii. Residential uses in mixed use building
- iii. Artist studio
- iv. Greenhouse
- v. Restaurants without drive through or drive-in capabilities
- vi. Offices not exceeding 5,000 square feet per building
- vii. Neighborhood retail, sales and services not exceeding 5,000 square feet per building
- viii. Auto service station limited to one (1) facility per intersection
- ix. Private club or lodge
- x. Commercial health club, spa or recreation facility
- xi. Tourist home
- xii. Fiber Hut or ILA (Permitted as Accessory)
- xiii. Accessory Data Center (Permitted as Accessory)
- xiv. Other like uses

b. Commercial Use Group 2 - General Commercial Uses

- i. All uses allowed in Residential Use Group 3
- ii. All uses allowed in Neighborhood Commercial, Commercial Use Group 1
- iii. General office
- iv. Retail sales and services
- v. Restaurants
- vi. Hotels or motels
- vii. Conference centers
- viii. Non - manufacturing research and development
- ix. Parking garages
- x. Cinemas
- xi. Taverns
- xii. Funeral homes
- xiii. Fiber Hut or ILA (Permitted with Conditions)
- xiv. Micro Data Center (Permitted with Conditions)
- xv. Medium Data Center (Permitted with Conditions)
- xvi. Accessory Data Center (Permitted as Accessory)
- xvii. Other like uses

- c. Commercial Use Group 3 - Commercial/Limited Manufacturing Use
 - i. All uses allowed in Commercial Use Group 2, except residential uses
 - ii. Building contractors
 - iii. Light Manufacturing use - provided uses do not create any danger to health or safety in surrounding areas and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare, or release any pollutant which would require a permit from a state or federal agency
 - iv. Wholesale sales
 - v. Shipping/receiving, warehousing and self storage
 - vi. Auto repair
 - vii. Auto sales, new or used
 - viii. Animal hospitals and veterinarians
 - ix. Broadcasting stations
 - x. Fiber Hut or ILA (Permitted with Conditions)
 - xi. Micro Data Center (Permitted with Conditions)
 - xii. Medium Data Center (Permitted with Conditions)
 - xiii. Hyperscale Data Center (Permitted with Conditions)**
 - xiv. Accessory Data Center (Permitted as Accessory)
 - xv. Other like uses

- 5. Special Exception Uses (with Board approval)
 - a. Public utilities - (with adequate screening provision)
 - b. Outdoor storage - (in MXD/E only, finished or packaged goods only and with adequate screening provisions)
 - c. Horse stables, barns and corrals - (only when contiguous to Equestrian Trails, on ten (10) acre sites or larger and adequately buffered from neighboring uses)
 - d. Cemeteries
 - e. Family Day / Night Care Facility, or Accessory Use Child Center.
 - f. Fiber Hut or ILA in Residential Use Groups 1-3
 - ~~g. Hyperscale Data Center in Commercial Use Group 3~~
 - h. Appeals for more intensive uses than are allowed under proposed land use groups

- 6. Wireless communications facilities, in accordance with Chapter 4, Article V, Section 1.