



Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00059

Smithfield Neighborhood

Request: Application requesting a **Parking Modification** to allow for 6 parking spaces instead of the required amount of 16 parking spaces for a lounge and bar.

Filed by: Kariba Bush, the owner.

Location: 301 Reverend Abraham Woods Jr Boulevard, Birmingham, AL 35204, in the SE ¼ of Section 34, Township 17-S, Range 3-West. Council District 5.



Applicant's Proposal.

The applicant is opening a bar and lounge that is required to have 16 parking spaces but due to the limited real estate of the lot, there are only 6 parking spaces.



Eleven 02 will operate during the legally permissible hours of operation for Lounges and Bars as authorized by the City of Birmingham, including not opening on Sundays until 10:00am. It is the intention of Eleven 02 to operate Monday through Friday 5pm to 2am, Saturday from 12pm to 2am and Sunday from 12 pm to 8pm. There will be 2 Bartenders, Security Guards (as needed) and a manager. Each Bartender will be required to have a State Bartending License and Security Guards will need to be certified.

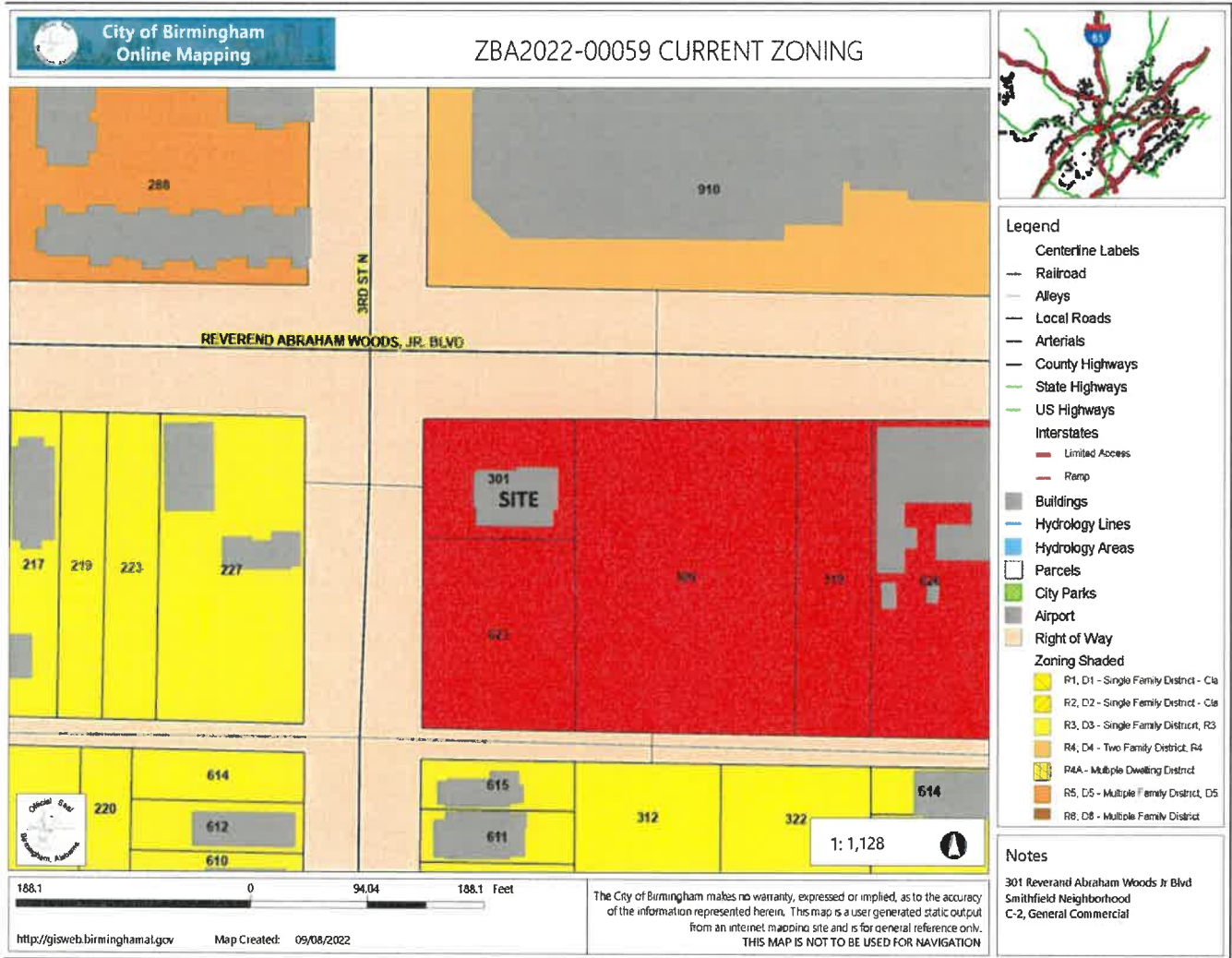
Patrons entering Eleven 02 must be 21 years old or older and will be required to produce valid identification at the front door. To prevent hazards, Security staff will have received training to detect fake licenses or identification cards in order to ensure that no underage drinking takes place on the premises. Eleven 02 employees will be required to enter the DOB in a Point of Sales where the technology will tell the employee the age of the customer making a purchase. Patrons exiting the premises who appear to be over served will be encouraged to take a taxi/uber, etc. home and will be assisted by Security staff into such transportation. Eleven 02 plans to hire Certified Security Guards and occasionally Off-Duty Birmingham Police Department Officers. At least one individual will be hired and used daily to help deescalate any disagreements that may occur.

Eleven 02 will install a minimum of 8 Video Surveillance cameras. The system will cover all areas of the interior and exterior of the premises and will be centrally monitored and recorded utilizing a Digital Video Recorder. The system will be set to record 24 hours each day. Adequate exterior lighting will be maintained in all areas. All data will be kept and secured for a minimum of one week and Eleven 02 will make sure such data is available upon demand to any law enforcement agency. Every point of egress will have an exit sign and Fire Extinguisher within 3' of the opening. This includes the Front Door, Side Door and Garage Doors. Fire Extinguishers will also be placed at the Bar location, Prep area and near the Men and Women's Restroom. In the event of an emergency, Eleven 02 employees will be instructed to contact/and work with the police and EMS services.



Property and Abutting Land Uses:

The subject property sits on .18 acres, currently zoned **B-2 (General Business District)**. To the North is Church of the Highlands, zoned R-4, Two Family District. Parcels located to the East are zoned B-2 (General Business District). Parcels located to the South and West are zoned R-3, Single-Family District.



Uses allowed in the B-2, General Business District are:

- | | | |
|---|--|--|
| <ol style="list-style-type: none"> 1. Any use permitted in the B-1 Neighborhood Business District. 2. Signs or billboards. 3. Automobile or trailer display and sales room. 4. Public garage. 5. Amusement (indoor and outdoor except when the property abuts residential zoned property) 6. Business, dancing or music school. 7. Display room for merchandise to be sold at wholesale. 8. Dwellings, jointly with other uses or as a principal use. | <ol style="list-style-type: none"> 9. Frozen food lockers. 10. Farm implement display and sales room. 11. Hotel, motel or motor court. 12. Hospital or clinic for animals, but not including open kennels. 13. Radio or television broadcasting station, studio or office. 14. Retail store or shop. 15. Self-storage structure. 16. Tavern or drive-in restaurant. 17. Undertaking establishment or mortuary. 18. Used car lot. | <ol style="list-style-type: none"> 19. Bank or lending institution. 20. Utility service buildings. 21. Medical or dental laboratory. 22. A shopping center or facility composed of any one or more of the foregoing uses or any combination thereof. 23. Indoor Urban Farm, 24. Accessory structures and uses. |
|---|--|--|

Zoning Ordinance.

Bar. Any building where liquor, beer or wine or any combination are served for consumption on the premises, with or without food.

Setback Requirements:

Maximum Height of Structure: 75 feet

Front Yard: None

Rear Yard: None

Side Yard: None

Minimum Lot Area: None for commercial properties

Minimum Lot Width: None

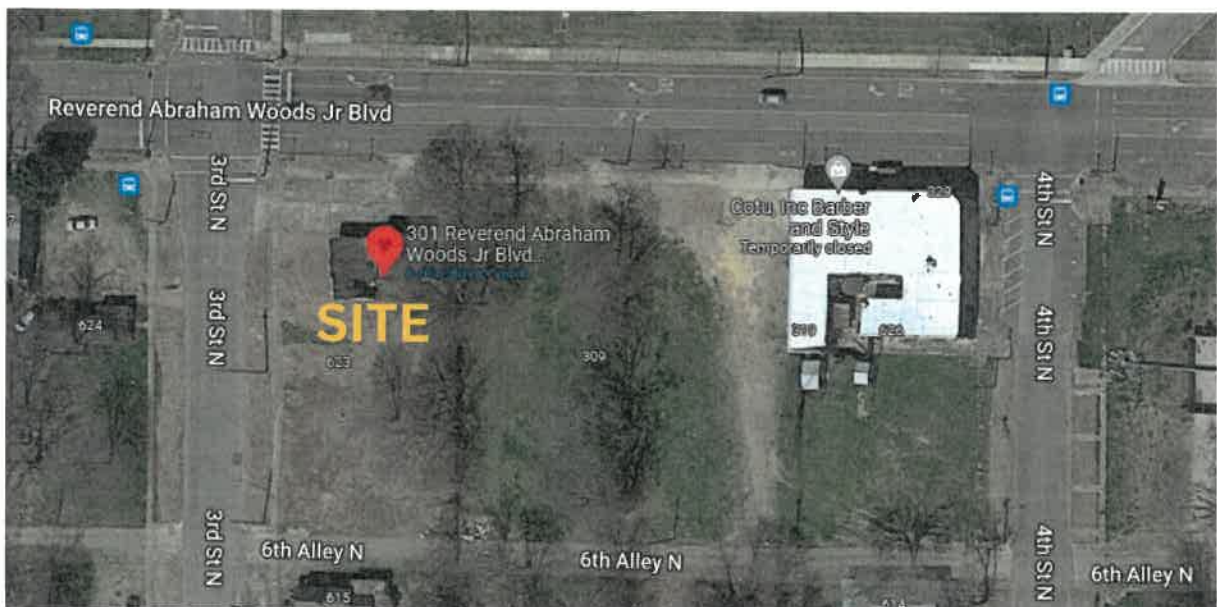
Parking Requirement:

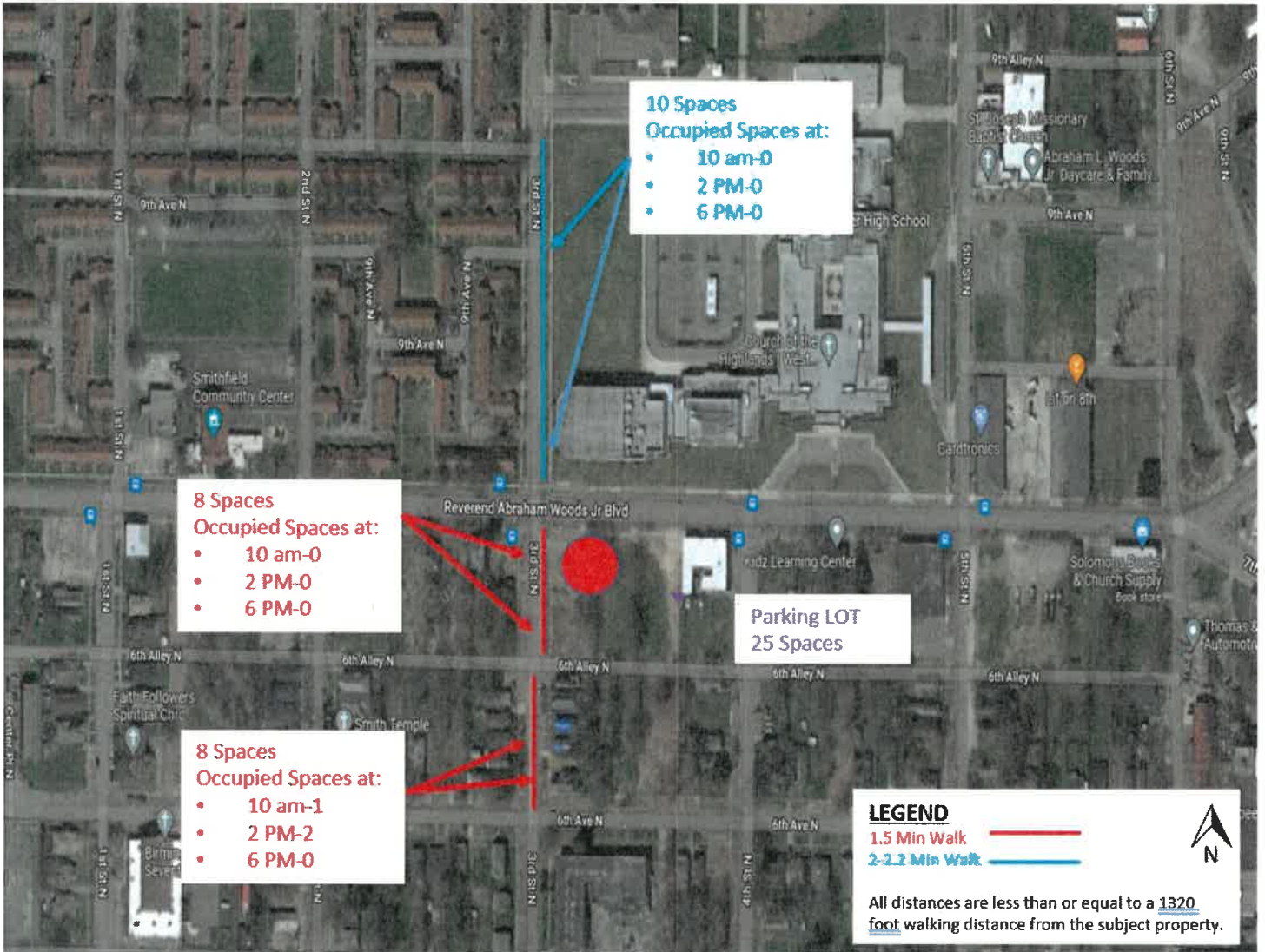
Night club, tavern, dance hall, brew pub or bar: 1 per 100 sq. ft. of Gross Floor Area (GFA)

1600 / 100 = 16 parking spaces required

16 – 6 = 10 parking spaces short

By this facility being around 1600 sq. ft. 16 parking spaces are required but due to limited real estate per the lot, the applicant is only able to get 6 parking spaces, lacking 10. The applicant believes the side street parking on 3rd St N will provide well over the number of spaces needed.



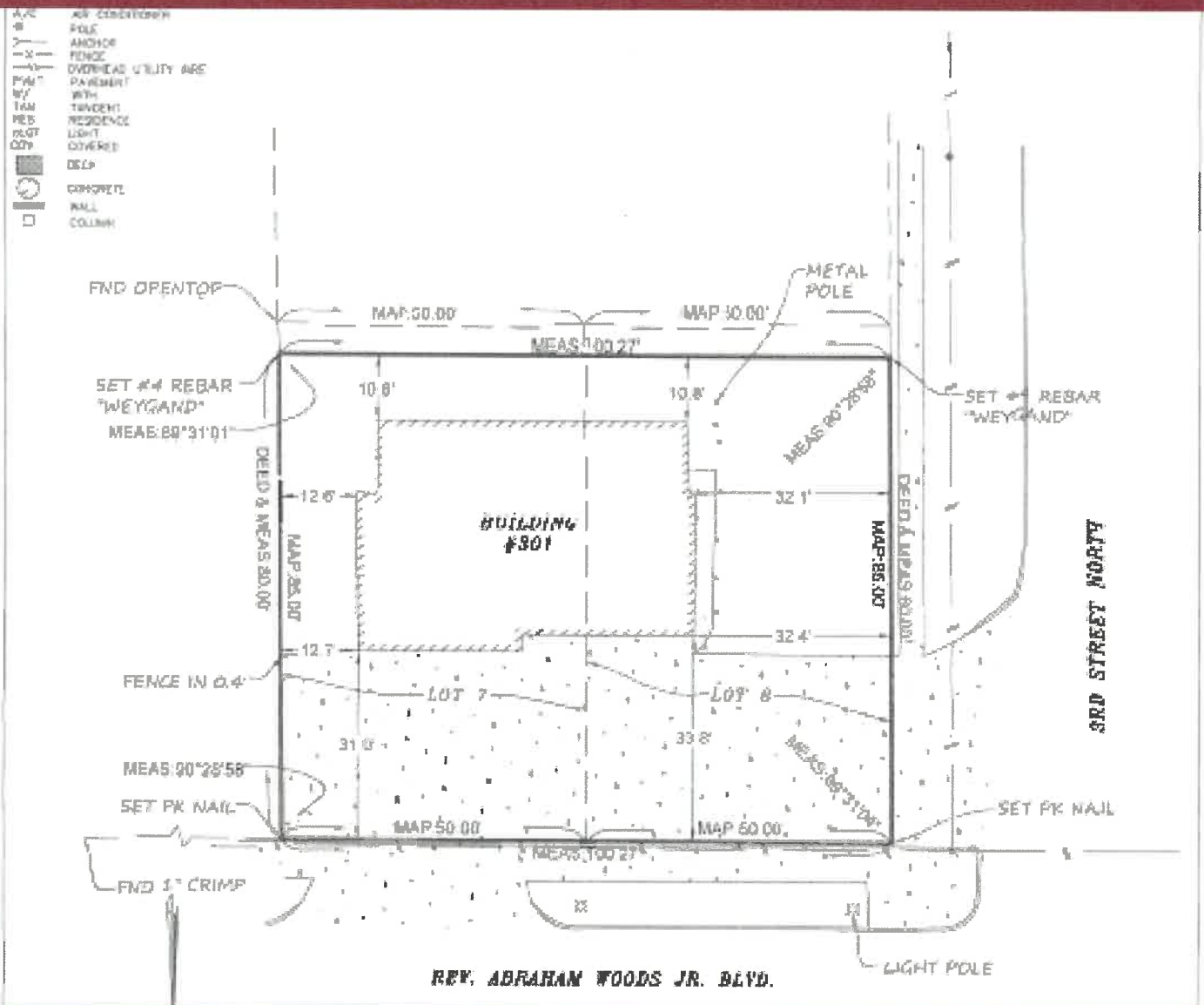


PARKING STUDY

**ON-STREET PARKING SUPPLY ANALYSIS- 301 REVERAND ABRAHAM WOODS JR BLVD
KJB GROUP LLC PROJECT
FRIDAY, AUGUST 19th,2022**

On Street parking Location	Parking Supply		Occupied Spaces					
	1-1.5	2-2.5	1-1.5 Min. Walk			2-1.5 Min. Walk		
	Min. Walk	Min. Walk	10AM	2PM	6PM	10AM	2PM	6PM
3rd Street N (Next to Building)	8		0	0	0			
3rd Street N (Pass 6th Alley N)	8		1	2	0			
3rd Street N (Parker Side)		10				0	0	0
Rev Abraham Woods Jr BLVD (parking Lot between 301 & 323)	25		2	3	2			
Totals	41	10	3	5	2	0	0	0
On Street parking Location	Parking Supply		Empty Spaces					
	1-1.5	2-2.5	1-1.5 Min. Walk			2-1.5 Min. Walk		
	Min. Walk	Min. Walk	10AM	2PM	6PM	10AM	2PM	6PM
3rd Street N (Next to Building)	8		8	8	8			
3rd Street N (Pass 6th Alley N)	8		7	6	8			
3rd Street N (Parker Side)		10				10	10	10
Rev Abraham Woods Jr BLVD (parking Lot between 301 & 323)	25		23	22	23			
Totals	41	10	38	36	39	10	10	10

**CURRENTLY IN TALKS/NEGOTIATION WITH THE OWEER OF PARCEL
22000 34 4 001 001.001 (623 3RD ST N LOT BEHIND BUILDING) IN ORDER TO
AQUIRE OR LEAST PROPERTY FOR POSSIBLE FUTURE PARKING.**



SURVEY

Design Review Committee.

This property is located within the Smithfield Historic District and has gone before the DRC. Signage, landscaping and lighting need to return for approval.

Neighborhood Association.

The *Smithfield Neighborhood Association* has approved the request.

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to ensure compliance with the Board’s decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00060

Graymont Neighborhood

Request: Application requesting a **Variance** to allow for an LED pole sign to be installed in an R-3, Single-Family Residential, zoning district.

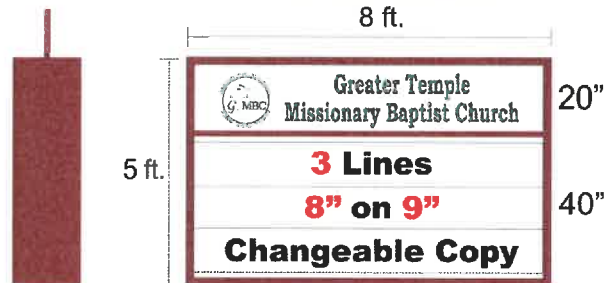
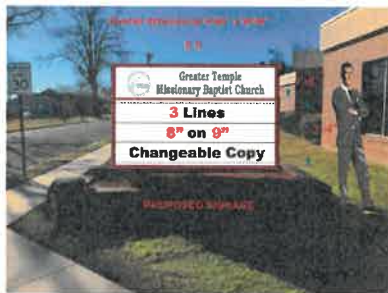
Filed by: Carlos Robinson of C&C Banners LLC, on behalf of the owner, Greater Temple Missionary Baptist Church.

Location: 300 4th Avenue West, Birmingham, AL 35204, in the SW ¼ of Section 34, Township 17-S, Range 3-West. Council District 6.



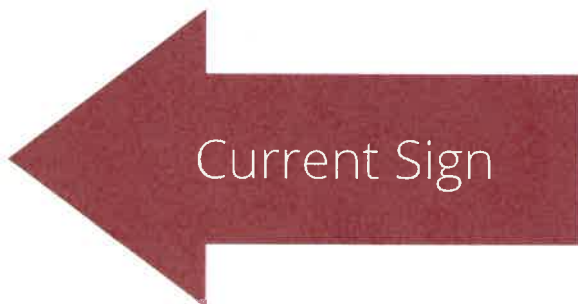
Applicant's Proposal.

The applicant is proposing an LED sign to be installed at Greater Temple Missionary Baptist Church. This sign will not only be an information resource for the church, but for the community as well. The community will be able to get out important, valuable information that is going on digitally. The programming that will be used for the sign will allow them to advertise events and inspirational messages at certain times. The sign will not display videos as we do not want to cause any driving distractions.



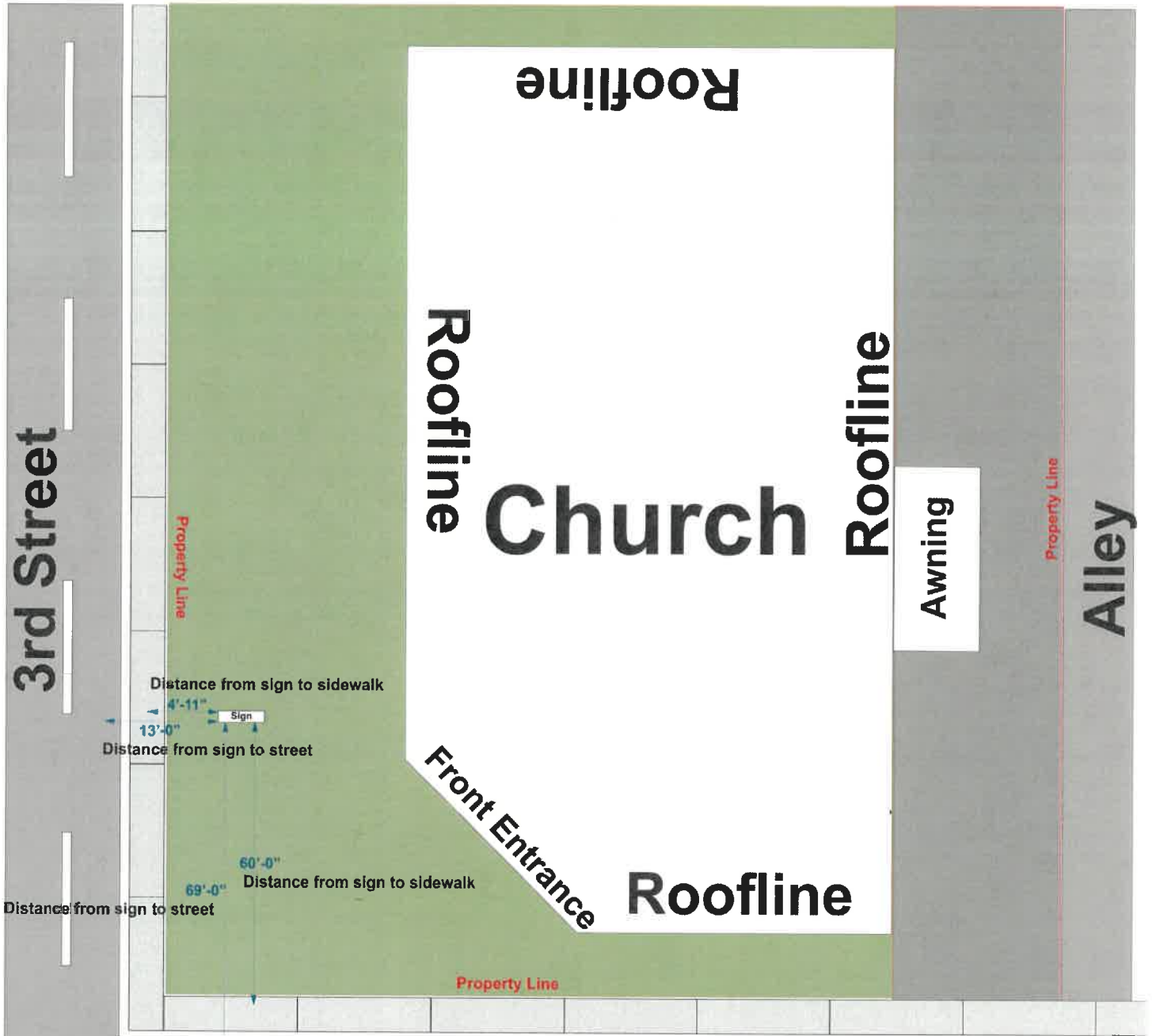
SIDE VIEW

FRONT VIEW



Variance Justification.

- **Physical Characteristics of the Property.** Please see attached site plan and proposed sign.
- **Unique Characteristics.** This is a world of digital signage. The LED sign for Greater Temple Missionary Baptist Church can be a new and powerful medium of communication that reaches out to both current and future members. We will be able to increase attendance, grow membership and promote programs and events. LED signs have been proven to be the most effective form of getting information out.
- **Hardship Not Self-Imposed.** The variance will be the minimum that will make use of the land, building or structure. LED signs are proven to be the most effective and least costly form of advertising method. The granting of the variance will not be detrimental to the community or cause damage or harm to other surrounding properties. This will not diminish or impair property values within the neighborhood.
- **Financial Gain Not Only Basis.** Financial gain is not the sole basis for the City of Birmingham granting Greater Temple Missionary Baptist Church this variance for a LED sign. LEDs provide 50-70% energy savings over traditional fluorescent lit signs. The long lifespan of LEDs will dramatically reduce maintenance costs and lower long-term operating costs. LED illumination does not require the use of ballasts or bulbs which need periodic replacement.
- **No Injury to Neighboring Property.** This sign will enhance the community and does not pose a safety risk. LEDs light operate at low voltages and are cool to the touch even when left on for hours. LEDs don't use fragile components and are able to withstand shock, vibration, and extreme temperature. Fluorescents give off UV radiation while LEDs do not.
- **No Harm to Public Welfare.** The granting of the variance will not result in an increase of public expenditures or traffic congestion as we are not on a main street to cause a disruption. Our church is located on 4th Avenue West and only receives a limited amount of traffic. The long-term impact of having a LED sign in the neighborhood will be a great as it will enable us to advertise digitally the positive events that are happening.

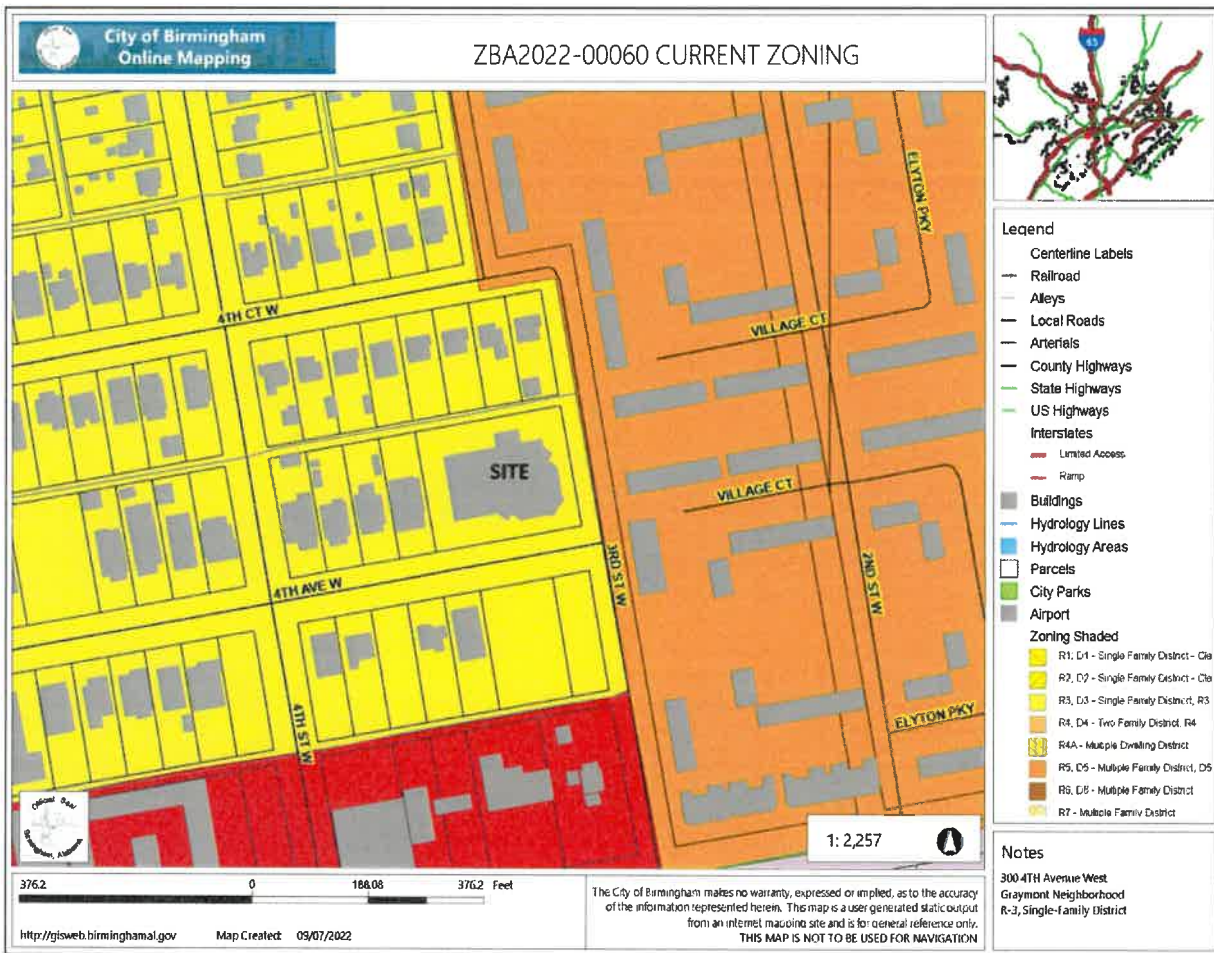


4th Avenue West

SITE PLAN

Property and Abutting Land Uses.

The subject property is currently zoned R-3 (Single Family District). The parcels located to the North, South, and West are also zoned R-3, Single Family District. To the West is Elyton Village, zoned C-R-5, Contingency Multi-Family District.



1. Single-family dwelling.
2. Nurseries or truck gardens.
3. Noncommercial greenhouse.
4. Publicly owned or operated park, playground or community building, museum, library or art gallery.
5. Church or other place of worship.
6. Public school, elementary or high, or a parochial or private school.
7. Golf club or golf course.
8. Home occupations.
9. Accessory structures and uses.
10. A church or public building may have one bulletin board or one sign, located on the same lot as the main structure, said bulletin board or sign not to exceed 27 square feet in area nor to be animated or illuminated with intermittent light.

Uses allowed in R-3, Single-Family District are:

11. Temporary signs not exceeding a total of eight square feet in area located on the same lot pertaining to the lease, hire or sale of a building or premises.
12. A temporary sign not exceeding a total of eight square feet in area relating to the development, sale or lease of lots or houses in a subdivision containing not less than five lots, which sign shall not remain more than two years or after the sale of the last lot, whichever occurs first.
13. Family Day / Night Care Home.
14. Wireless communications facility.
15. Community Garden.
16. Farmers Market.
17. Apiary.

Zoning Ordinance.

Pole Sign. A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building.

Size. The sign area of any pole sign must not exceed 80 square feet.

Setback. A pole sign adjacent to any single-family or duplex residential use, public park or school must be set back at least 300 feet.

Height. A pole sign must not exceed 25 feet in height.

Illumination Elements.

All permanent signs may be non-illuminated, illuminated by internal, or internal indirect (halo), or lit by external indirect illumination and must be consistent with Title 1, Chapter 1, Article II, Section 16 of the City of Birmingham

Externally lit signs must be illuminated only with steady, stationary, and shielded light sources directed solely onto the sign. Illuminated signs must comply with the following requirements:

1. **Brightness:** No sign may be brighter than is necessary for clear and adequate visibility, and no sign may be of such intensity or brilliance that impairs the vision of a motor vehicle driver with average eyesight or otherwise interferes with the driver's operation of a motor vehicle, and no sign may be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device, or signal.
2. **Ambient conditions adjustment:** All signs installed after the effective date of this ordinance that will have illumination by a means other than natural light must be equipped with a mechanism that automatically adjusts the brightness in response to ambient conditions.
3. **Malfunctions in dynamic elements or illumination:** Dynamic elements and illumination elements must also be equipped with a means to discontinue the element immediately if it malfunctions. The owner of a sign with a dynamic element or illumination element must immediately stop the element's operation when notified by the City that it is not complying with the standards of this chapter, except to bring it into conformance, or after conformance is confirmed by the City.
4. **Glare.** Any lighting fixture on a sign that is located within ten feet of a property line of a residential zoning district or an existing residential use, or within ten feet of a public right-of-way except as permitted by this ordinance must be (a) aimed away from the property line, residential use, or zoning district, or public right-of-way; (b) classified as an IES Type III or Type IV lighting fixture; and (c) shielded on the side closest to the property line, residential use, zoning district, or public right-of-way.

Neighborhood Association.

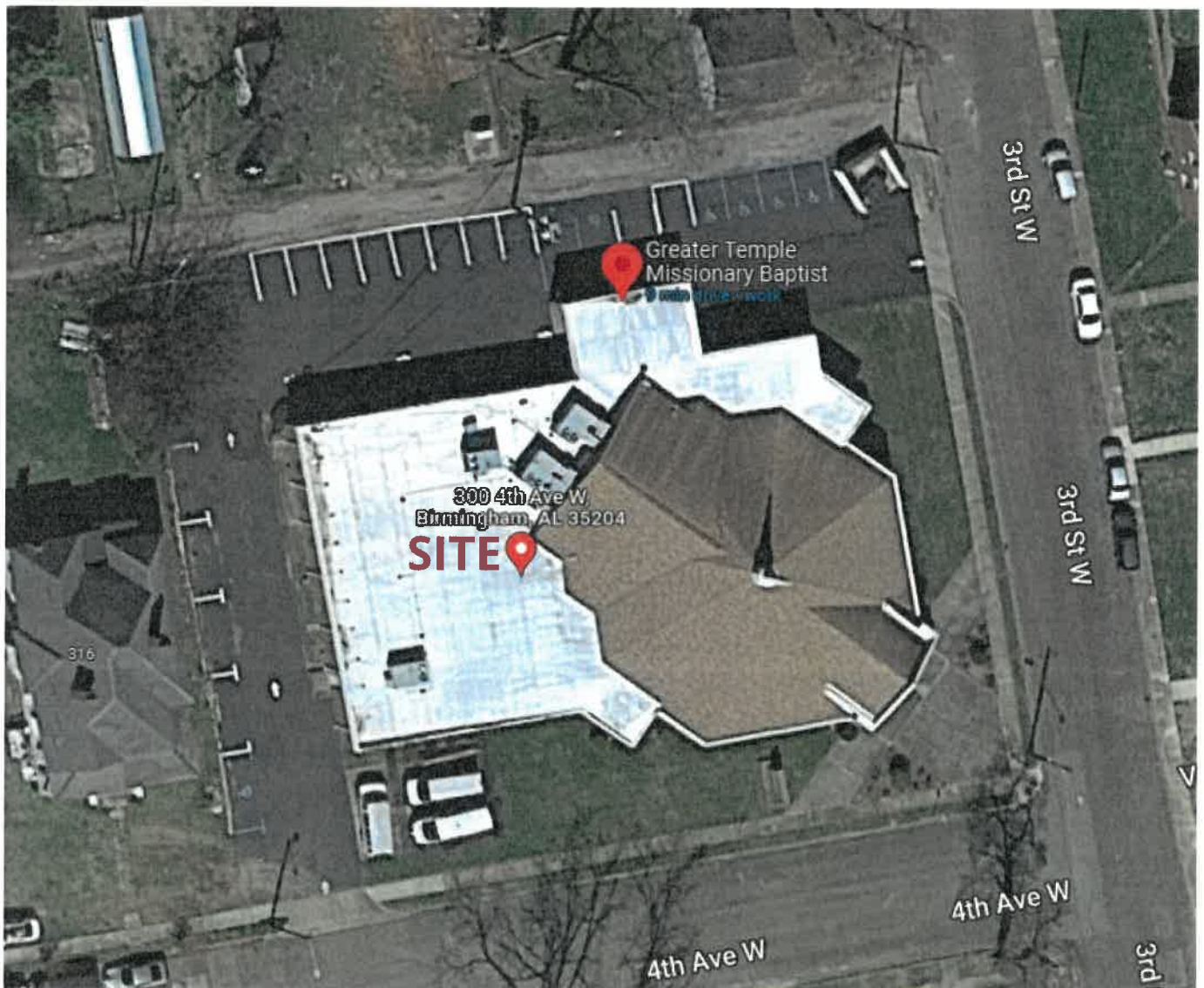
The **Graymont Neighborhood Association** voted to approve this request however, the Vice President of the **Graymont Neighborhood Association** does not support this request and has the following concerns:

- The church has had no representatives coming to the meeting since I have been in office as Vice-President.
- I have not seen anyone from this particular ministry to represent them in any way, in any given month.
- I would not approve, unless they have presented themselves at at least 3 monthly meetings.

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to insure compliance with the Board’s decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00061

Highland Park Neighborhood

Request: Application requesting a **Special Exception** to allow for the renovation of an existing assisted living facility to become a 38-bed communal living facility to host overnight stays for short periods of time to assist persons suffering from eating disorders.

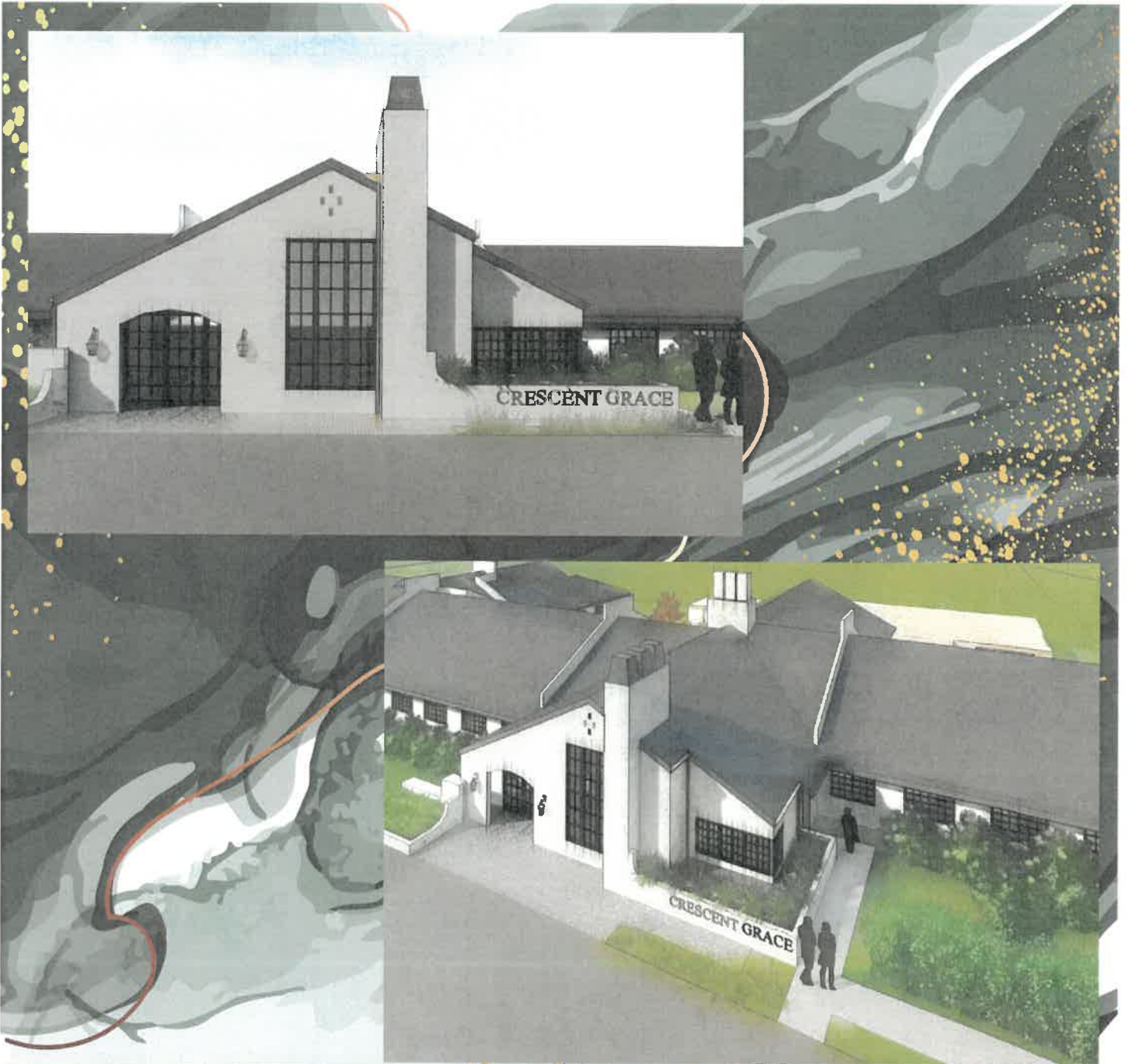
Filed by: T. Michael Brown, on behalf of the owner, 39 Hanover Partners LLC.

Location: 39 Hanover Circle Birmingham, AL 35205 situated in the SE ¼ of Section 31, Township 17-S, Range 2-W, Council District 3.



Applicant's Proposal:

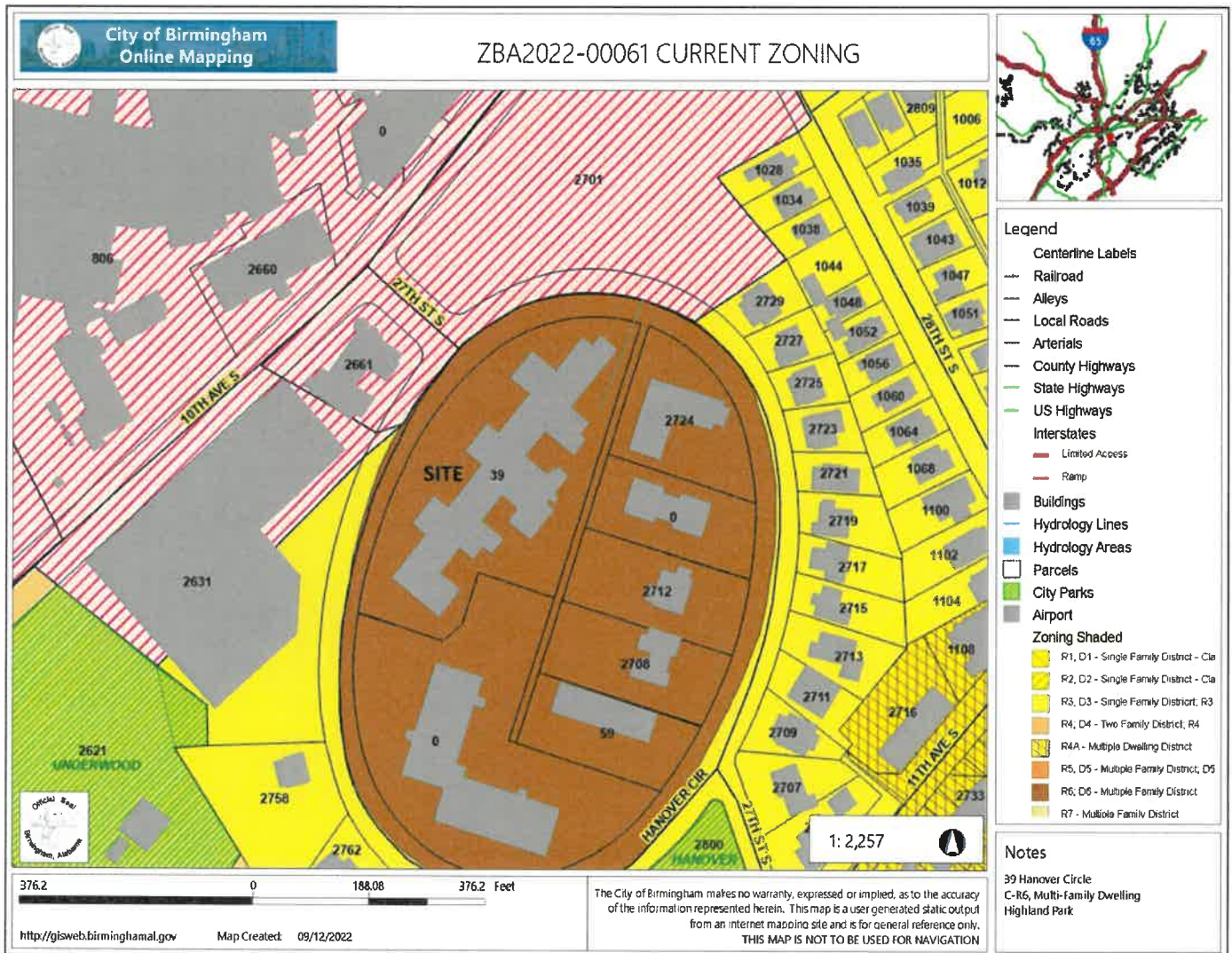
The applicant is proposing the renovation of an existing assisted living facility to become a 38-bed communal living facility that will host guests suffering from eating disorders for short periods of time. In addition to the 38 beds, the facility will have group meeting rooms, teaching rooms, a kitchen, and a dining room. The facility will also have comfortable private seating areas, a workout room and an art studio.





Property and Abutting Land Uses:

The subject property sits on 2.08 acres, currently zoned **C-R6 (Contingency Multiple Family District)**. To the North and Northwest is St. Vincent’s Hospital, zoned B-6, Health, and Institutional District. A Parcel located to the Southwest is zoned R-3, Single Family District. To the South and East are parcels zoned C-R6, Contingency Multiple Family District. The applicant is aware this property is in the Highland Park Historic District and they will need to go before the Design Review Committee to have their design approved.



Uses allowed in the R-6, Multiple Family District are:

1. Any use permitted in the E-1 Estate District.
2. Two-family dwelling.
3. Multiple dwelling.
4. Attached and semi-attached single-family dwellings.
5. Condominiums (residential).

6. Religious, educational, charitable, or public institution or buildings
7. Private club or lodge, excepting one, the chief activity of which is a service customarily carried on as a business.
8. Family Group Day / Night Care Facility.
9. Accessory structures and uses, not including Accessory Use Child Care Centers.
10. One name plate, to be lighted with only indirect non-intermittent light, not exceeding six square feet in area attached to the wall at an entrance.

Zoning Ordinance.

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).

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.

Setback Requirements:

- Maximum Height of Structure: 45 feet
- Front Yard: 25 feet
- Rear Yard: 25 feet
- Side Yard: 5ft/ 14 ft
- Minimum Lot Area: 1,500 sq. ft.
- Minimum Lot Width: 50 feet

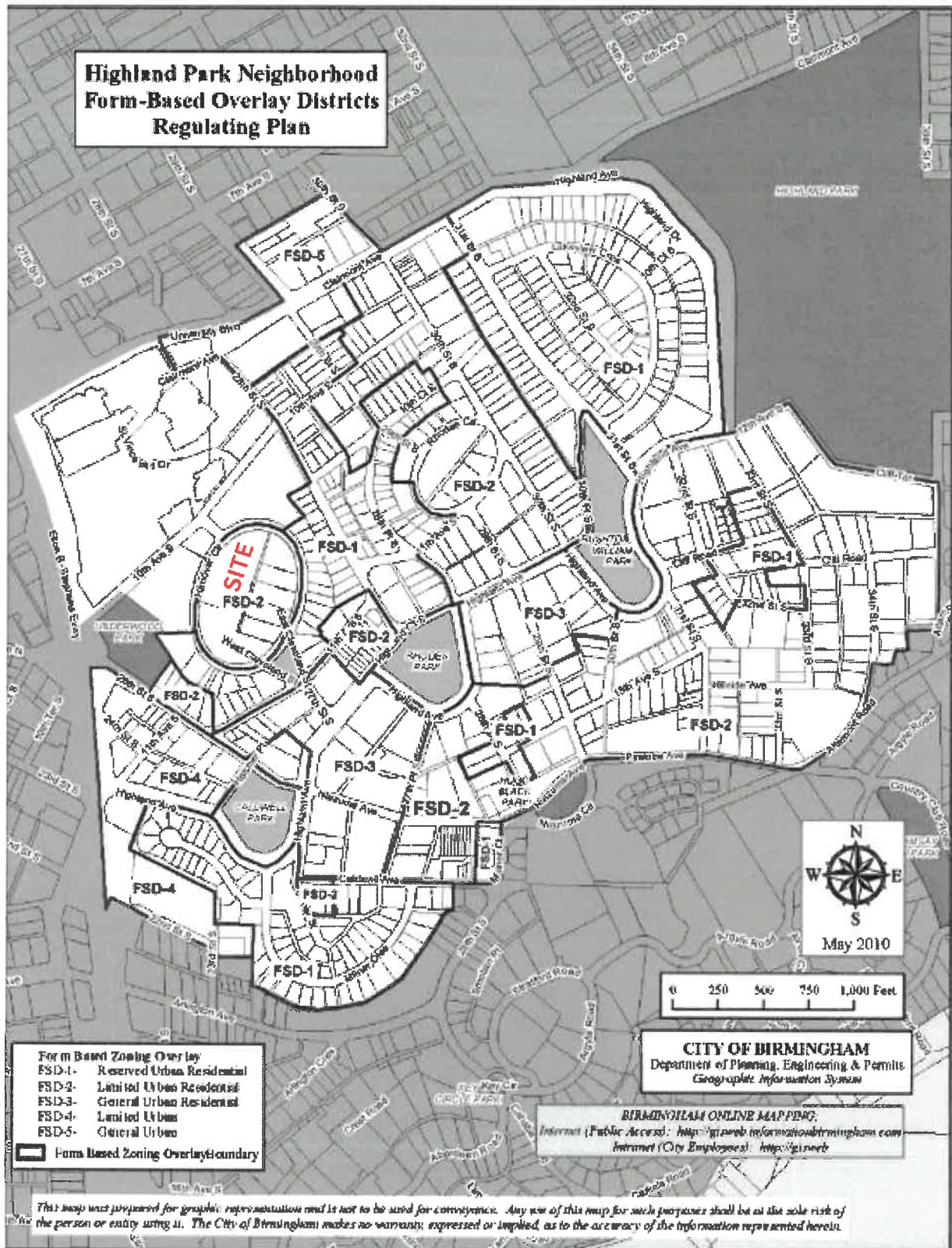
Parking Requirement:

- Communal Living Facility: 1 per 2 sleeping rooms
- 16 / 2 = 8 parking spaces required

The site plan shows 10 parking spaces, the site is overparked 2 spaces for the use.



This property is in the Highland Park Overlay District. See attached regulations.



**Title 1 – Zoning Ordinance
Chapter 8: Overlay Districts**

**Article IV. Highland Park Neighborhood Form-Based Overlay District
Regulations**

Section 1. Intent and Purpose

- A. Intent. The intent of this Article is to establish minimum standards and regulations for building development, building and frontage category and orientation, site development, signage and landscaping for the Highland Park Neighborhood. Such standards and regulations will help ensure that development is aesthetically pleasing and compatible with surrounding streetscape and land uses.

This Overlay District is designed to encourage new development that will complement the existing historic character of the neighborhood as well as help to create and sustain a pedestrian friendly environment. It is intended that this Overlay District will only apply to properties that are bordered by a sidewalk. As its principle focus is on new development, it will not be applied retroactively to existing projects.

A unique feature that distinguishes this Overlay District from the existing zoning ordinance is that setback requirements are correlated to the buildings frontage category. The frontage category determines the minimum and maximum setback.

- B. Purpose. This Overlay District is a regulatory tool that can be used to guide the future growth and character of Highland Park by means of a specific Regulating Plan. The Regulating Plan's purpose is to implement a community's vision as a traditional neighborhood that emphasizes the street and pedestrian travel and access. The result of the plan is the placement of the Overlay District "over" the underlying zoning, thereby modifying the underlying zoning's area dimensional and parking regulations.

The standards of the Overlay District address the buildings in relation to their placement on a lot, the size and height of buildings, and, perhaps most importantly, how they relate to the street and adjacent buildings. The form-based overlay also addresses parking, pedestrian and vehicular access, landscaping and signage.

- C. The Highland Park Neighborhood Form-Based Overlay includes the following key components:
- A Regulating Plan: The maps and text delineating the regulated area where the overlay standards apply.
 - Building Category Standards: Regulations that specify the placement, size and massing of buildings and frontages.
 - Landscape Standards: Regulations governing landscape design and planting on private property, most commonly parking areas, and the way in which they affect the public realm.
 - Sign Standards: Regulations describing allowable sign sizes, materials, placement, and type of illumination.

Title 1 – Zoning Ordinance
Chapter 8: Overlay Districts

Section 2. Definitions

The following terms shall have the meaning provided herein. Terms not defined herein shall have the meaning provided in the City of Birmingham Zoning Ordinance and/or City Subdivision Regulations.

Building Form: The placement, shape, size and massing (height, width and depth) of frontage categories.

Building Height: The is the measurement of the vertical distance in feet from the grade 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.

Façade: The face or exterior wall of a building that is also the Primary Frontage, almost always containing one or more entrances and characterized by an elaboration of stylistic details. Facades have three divisions that include the base, middle, and cap.

Base: The lowest of the three divisions of a building's façade. In multi-story buildings the is generally the ground floor, articulated by entries, porches or stoops.

Middle: The division of the façade that is between the base and the cap. This division is generally the largest.

Cap: The uppermost division of a building's façade. For non-residential buildings, a cornice is often the cap, or is suggested by some other articulation at the top of the wall.

Expression Line: A horizontal architectural or decorative feature of the façade that differentiates the building's base from middle and cap elements above.

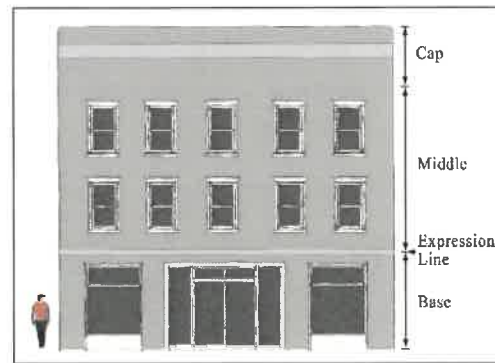
Frontage Enclosure: The percentage of the lot width has buildings and/or street walls within the required (minimum and maximum) setback area. If a property an established front yard setback (as detailed in Section (6)(B)) the frontage enclosure area begins at established front yard setback.

Frontage Categories: The collection of building typologies listed in the Highland Park Neighborhood Form-Based Overlay District. These categories include the configurations of building elements within the primary frontage. There are eight frontage categories listed for the Neighborhood Form-Based Overlay District: Civic, Common Yard, Forecourt, Gallery, Porch with Short Lawn, Shopfront, Stoop, Terrace or Lightwell.

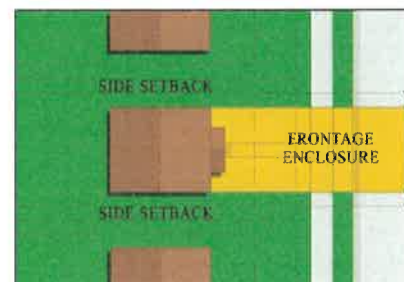
Glazing: Clear or translucent material through which light is transmitted into a building, usually glass, but also including acrylic and other materials.

Landing: The horizontal platform at the end of a stair flight or between two flights of stairs or at an entrance to a building. An entry landing may be covered.

Mixed Use Developments: Sites developed within the Highland Park Neighborhood



base



that
has
the

Title 1 – Zoning Ordinance
Chapter 8: Overlay Districts

Form-Based Overlay District having multiple land uses all on the same legal lot.

Overlay District: A set of regulations that imposes additional area, dimensional and other development standards onto an underlying zoning district.

Porch: An entrance area to a building, covered by a roof and having structural supports that goes to the ground.

Primary Frontage: The street or public frontage providing the primary or most important approach to the main entrance of the building.

Public Realm: Publicly owned and accessible property such as public rights-of-way, parks and plazas.

Regulating Plan: Maps and supporting documentation that delineate the area where the Highland Park Neighborhood Form-Based Overlay development standards apply.

Secondary Frontage: The street frontage of a lot other than the primary frontage. Secondary frontages may or may not include an entrance to a building.

Street Frontage: All of the property on one side of a street between two intersecting streets; or, if the street is dead-ended, the property abutting on one side between the street's intersection and its dead-end.

Street Wall: A masonry wall that extends from the building's side or rear; possibly part of the frontage enclosure requirement. Street walls are often used as a visual screen and help establish an edge that defines the streets. Street walls may not extend forward from the face of the building.

Title 1 – Zoning Ordinance
Chapter 8: Overlay Districts

Section 3. Administration

A. Uses Permitted in the Highland Park Neighborhood Form-Based Overlay District.

The Overlay District does not determine or govern the use of the property. Use is governed by the underlying base zoning.

B. Procedures for Amending the Highland Park Neighborhood Form-Based Overlay District.

A Proposed change or amendment to the regulating plan of the Overlay District may be initiated by the Council, the full Birmingham Planning Commission or the Commission's Zoning Advisory Committee, or by petition of one or more property owners or authorized agents of such owners of property within the Overlay District. The petition for change of the Overlay District by a property owner shall only apply to that individual owner's property. Any petition for change shall be in accordance with the procedures set up in Chapter 9, Article II of this Ordinance.

Procedure for Preparation of Documentation to amend the Overlay District:

1. Review and provide maps and text describing the existing land use plan, zoning and development regulations that apply to the affected properties.
2. Review and provide maps reflecting existing lot lines and building footprints.
3. Provide text describing the change in conditions since the Overlay District was established that justifies a change or amendment to the District.
4. Provide maps of the base zoning and zoning overlays.

C. Compliance. All building and grading permits will be reviewed to ensure consistency with these regulations. The City of Birmingham's Department of Planning, Engineering and Permits (PEP) will review all proposed projects in the Overlay District that require building, grading, sign and other permits that make modifications to existing landscaping and parking.

D. Construction Permit Review. The applicant has the discretion to submit construction documents directly for permits without first getting PEP Planning Division review comments. The permit's documentation must include the information listed below in Subsection E; Development Plans Submittal Requirements. An incomplete permit application will be returned for the additional required information. An application not compliant with these regulations will be denied.

It is recommended that applicants first contact the City of Birmingham's Department of Planning, Engineering and Permits (PEP). The Planning Division staff of PEP will provide the published regulations for projects within the various sub-districts (see Section 4 of this Article) of the Overlay District. It is recommended that the applicant become familiar with the pertinent regulations prior to planning the project and before the development of any working drawings.

In consideration of an application for a permit for property located in the Overlay

Title 1 – Zoning Ordinance
Chapter 8: Overlay Districts

District, the property owner or his or her agent may submit documents addressing the submittal information listed in the Development Plan Submittal Requirements below (in Subsection E) to the Planning Division of PEP for review. These documents will be reviewed for compliance with this Article and all sections of this Ordinance. After the review, comments pertaining to zoning compliance will be shared with the applicant.

E. Development Plans Submittal Requirements

This requirement of the Highland Park Neighborhood Form-Based Overlay District only applies to construction of new buildings, the expansion of an existing building that is within the minimum and maximum front yard setback area, new parking lots or alterations of parking lots over 4,000 square feet. Additionally, the Overlay District requirements will only apply to properties that are bordered by a sidewalk. The following requirements replace the existing Site or Development Plan requirements of the underlying (base) zoning.

Submitted plans shall be drawn to a scale no smaller than 1" = 30' and shall include (1) the title of the development, (2) name and address of the owner or developer or agent of either, (3) name and address of the person or firm preparing each of the plans, (4) a North arrow, (5) date of preparation, and (6), if applicable, dates of any submitted revisions. Plans shall also include the following applicable information:

1. All dimensions and distances, property lines, easements, and public and private rights-of-way;
2. Existing and proposed building or structure footprints, including location of any trash containers and the method of screening them;
3. Building or structure elevation drawings;
4. Fences, walls, light poles, overhead utility lines, outdoor utility equipment and structures. This includes the location of all roof- and ground-mounted HVAC units or other mechanical appurtenances;
5. Bodies of water, water detention areas and drainage structures;
6. Location and dimensions of driveways and the number, location, and dimensions of parking spaces; dimensions of access aisles, curbs, vehicle maneuvering areas and pedestrian walkways. Bicycle racks or storage facilities must be provided other than for houses, duplexes and townhouses.
7. With the exception of houses and duplexes, a landscape plan showing compliance with the Landscape Standards b. (Section 10) of this Article;
8. When signage is proposed, a plan showing compliance with the Signage Standards (Section 9) of this Article;
9. Any other plans or specifications necessary to show compliance with this Article.

F. If the property is within a hazard area:

FEMA flood hazard- All development must comply with requirements of the Flood

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Plain Zone Districts.

Slide Zone- Development is regulated by the Engineering Division of PEP; projects require affidavits from geotechnical engineers to ensure stability.

G. Interpretation

The interpretation and application of this Article shall be consistent with Chapter 9, Article II, Section 9.

Section 4. Highland Park Neighborhood Form Based Districts

The regulating plan may consist of five sub-districts (FSD), which are as follows:

- A. (FSD-1) Reserved Urban Residential: This is the most restrictive of the sub-districts a sub-district with Common Yard and Civic frontage categories.
- B. (FSD-2) Limited Urban Residential: a sub-district with Common Yard, Porch with Short Lawn, Terrace or Lightwell, Stoop Forecourt and Civic frontage categories.
- C. (FSD-3) General Urban Residential: a sub-district with Common Yard, Porch with Short Lawn, Terrace or Lightwell, Stoop, Forecourt Shopfront and Civic frontage categories.
- D. (FSD-4) Limited Urban: a sub-district with Common Yard, Porch with Short Lawn, Terrace or Lightwell, Stoop, Forecourt, Shopfront and Civic frontage categories.
- E. (FSD-5) General Urban: a sub-district with Common Yard, Porch with Short Lawn, Terrace or Lightwell, Stoop, Forecourt, Shopfront, Gallery and Civic frontage categories.

Section 5. Frontage Categories

All proposed projects are routed into one of the eight categories based on criteria set forth in each frontage category. A frontage category is not intended to regulate style but does dictate where on the site a structure may be placed. The frontage categories are:

Civic: This frontage category is developed typically for government, public or semi-public agencies. The frontage's design follows the building's function. Public parks are exempt from this overlay.

Common Yard: This frontage category will have a planted deep front yard with the building facade set back substantially from the front lot line. The front yard is visually continuous with adjacent yards. This frontage Category will normally be for a single- or two-family dwelling and have a landing attached to the front of the house at the entrance.

Forecourt: A frontage category, usually a larger building, with the central portion or block of the building set back between two flanking sections that are closer to the front property line, creating an open recessed court. This space can be either landscaped or used for vehicle drop-offs.

Gallery: A frontage category wherein the facade is aligned close to the front property line with an attached cantilevered shed or colonnade overlapping the sidewalk. This category conventionally has ground retail and mixed uses above.

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Porch with Short Lawn: This frontage category has a façade that is set back a short distance from the front property line and has a large attached porch across a majority of the front elevation and small planted front yard. This frontage category will normally be used for single and two-family dwellings.

Shopfront: A frontage category wherein the facade is aligned close to the front property line with the building entrance at sidewalk grade. The frontage has substantial glazing on the sidewalk level; typically with an awning extend over the sidewalk. This frontage will normally be associated with a commercial use, such as a restaurant or retail store. Upper floors are frequently in office or residential uses.

Stoop: This frontage category will normally be used for dwellings with a short setback from the front property line. A stoop is a small uncovered landing located at or near surrounding grade.

Terrace or Lightwell: This frontage category will normally be used for multifamily dwellings, with frontage close to the street and with a small landing; either terrace elevated above the street level or a lightwell sunk below the street level, or a combination of both.

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Section 6. Building Form Standards

A. Site Development Standards

The intent of the sub-district building form standards are to establish development parameters that reinforce the neighborhood's character. Most significant are the standards addressing minimum and maximum setbacks, frontage enclosures, building heights, parking access and parking location. Together, these standards reflect both the neighborhood's traditional urban form and its expressions for future improvements (See Table 1).

B. Setback Modifications

The required front yards heretofore established shall be modified in the following cases:

1. Where an underlying zoning district on a block face has a minimum required setback and where forty percent or more of the street frontage on the same side of a street between two intersecting streets is presently developed with buildings that have (with a variation of five feet or less) a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where an underlying zoning district on a block face has a minimum required setback and where forty percent or more of the street frontage on one side of a street between two intersecting streets is presently developed with buildings that do not have a front yard as described above, then;
 - a. Where a building is to be erected on a parcel of land that is within 100 feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest to the street corners of the adjacent building , or;
 - b. Where a building is to be erected on a parcel of land that is within 100 feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.
3. When none of the aforementioned modifications are applicable the form based setback standards apply.
4. For lots with established front yard setbacks the minimum front setback will begin at the established front yard and the maximum front yard setback will be the difference between the minimum and maximum setback as listed on Table 1 as measured from the established front yard.

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TABLE 1

FORM SUB-DISTRICTS/ FRONTAGE CATEGORIES	Min. Front Setback 1; 2 ; 3	Max. Front Setback 3	Min. Frontage Enclosure 4	Min. Side Setback	Min. Rear Setback	Max. Building Height 5	Parking Access 6	Parking Location 7	Permitted Uses
FSD-1									
Common Yard	20'	25'	50%	In Accord with Base Zoning	In Accord with Base Zoning	35'	front, side, rear	side, rear	In Accord with Base Zoning
Porch with Short Lawn,	15'	25'	60%			35'	front, side, rear	side, rear	
Civic	15'	25'	60%			35'	side, rear	side, rear	
FSD-2									
Common Yard	20'	25'	50%	In Accord with Base Zoning	In Accord with Base Zoning	35'	front, side, rear	side, rear	In Accord with Base Zoning
Porch with Short Lawn	15'	25'	60%			35'	front, side, rear	side, rear	
Terrace or Lightwell	15'	20'	60%			45'	side, rear	side, rear	
Forecourt	15'	20'	60%			45'	side, rear	side, rear	
Stoop	15'	20'	60%			45'	side, rear	side, rear	
Civic	15'	25'	60%			45'	side, rear	side, rear	
FSD-3									
Common Yard	15'	25'	60%	In Accord with Base Zoning	In Accord with Base Zoning	35'	front, side, rear	side, rear	In Accord with Base Zoning
Porch with Short Lawn	5'	20'	70%			45'	front, side, rear	side, rear	
Terrace or Lightwell	5'	20'	70%			45'	side, rear	side, rear	
Stoop	5'	20'	70%			60'	side, rear	side, rear	
Forecourt	0'	20'	80%			70'	side, rear	side, rear	
Shopfront	0'	20'	80%			70'	side, rear	side, rear	
Civic	0'	25'	70%			60'	side, rear	side, rear	
FSD-4									
Common Yard	15'	20'	60%	In Accord with Base Zoning	In Accord with Base Zoning	35'	front, side, rear	side, rear	In Accord with Base Zoning
Porch with Short Lawn	5'	15'	70%			45'	front, side, rear	side, rear	
Terrace or Lightwell	5'	15'	70%			45'	side, rear	side, rear	
Stoop	5'	15'	80%			60'	side, rear	side, rear	
Shopfront	0'	15'	90%			80'	side, rear	side, rear	
Forecourt	0'	15'	90%			80'	side, rear	side, rear	
Gallery	0'	10'	90%			70'	side, rear	side, rear	
Civic	0'	20'	70%			60'	side, rear	side, rear	
FSD-5									
Common Yard	15'	25'	70%	In Accord with Base Zoning	In Accord with Base Zoning	35'	front, side, rear	side, rear	In Accord with Base Zoning
Porch with Short Lawn	5'	20'	80%			45'	front, side, rear	side, rear	
Terrace or Lightwell	5'	15'	80'			60'	side, rear	side, rear	
Stoop	5'	15'	80%			60'	side, rear	side, rear	
Shopfront	0'	10'	90%			80'	side, rear	side, rear	
Forecourt	0'	10'	90%			80'	side, rear	side, rear	
Gallery	0'	5'	100%			70'	side, rear	side, rear	
Civic	0'	25'	70%			60'	side, rear	side, rear	

Footnotes:

1. Minimum front setback: Includes porches and other design features.
2. Minimum front setback: For corner lots in all sub-districts, the minimum front setback on secondary frontage is 5' and the maximum front setback is 20'.
3. See Subsection (6)(B) for required front setback modifications.
4. Minimum frontage enclosure: For corner lots, minimum frontage enclosure requirements only apply to primary frontage.
5. Maximum building height: For buildings greater than 45', an additional 10' stepback from the building's front wall is required.
6. Parking Access: Street access is permitted for mid-block properties that do not have alley access.
7. Parking location: See Chapter 5, Article I, Section 9 in the this Ordinance regarding shared parking arrangements.

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Section 7. Building Form Requirements

The following building standards apply to all sub-districts and frontage categories in Highland Park Neighborhood Form-Based Overlay Districts. Requirements in the Overlay District only apply to the construction of new buildings, the expansion of an existing building that is within the minimum and maximum front yard setback area, new parking lots or alteration of parking lots over 4,000 square feet. Additionally, the Overlay District requirements will only apply to properties that are bordered by a sidewalk. No building existing on the date which these regulations come into effect shall be modified so that it is less in conformance with this ordinance.

- A. Entries. Principal building shall have its main entrance oriented to a public street and accessible from a public sidewalk or plaza. Secondary entrances are exempt from this requirement. The main entrance shall not be closed while a secondary entrance remains opened.

In some frontage categories, building entrances (excluding emergency egress) facing a public street shall be determined by the following thresholds:

1. Galleries must have covered walkways at least 10 feet in depth;
2. Terrace must have an elevated entry over 3' above grade and Lightwells must have a sunken entry over three feet below grade.
3. Stoops must have landings no more than three feet from grade;
4. The Porch with Short Lawn frontage category has porch size thresholds of a minimum of eight feet in depth across a majority of the front elevation and maintaining at least 40% openness of the exterior elevation (as measured in square feet).
5. Forecourt has a qualifying threshold that measures its openness. This threshold includes the width of the courtyard when calculating the enclosure area. The width of the courtyard shall be no less than the width of the largest building wing.

B. Facades:

1. Window and door openings should have a vertical orientation and vertical alignment between floors.
2. All forecourt, gallery and shopfront frontage categories may be designed with a discernible base, middle and cap defined by horizontal elements. An expression line should accentuate the base from elements above. Variations in materials and colors can help achieve this standard.
3. For mixed-use and non-residential buildings, ground-floor front facades shall be not less than 40 percent or more than 90 percent clear glazing; measured between three and eight feet from finished grade. Additional floors beyond the ground floor shall be not less than 25 percent or more than 75 percent clear glazing.

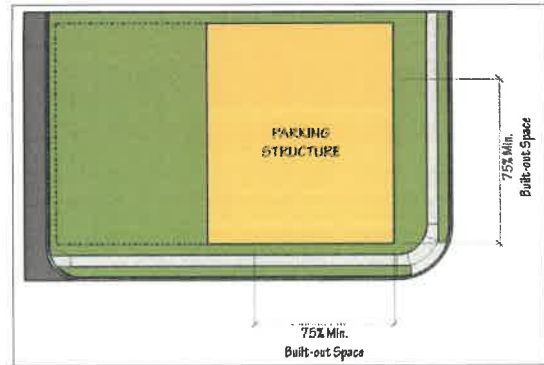
C. Off-Street Parking:

1. Off-street parking shall not be closer to the public street than the principal buildings on the same lot.
2. Dwelling parking garage doors that face public streets shall be set back three feet from the front of the building facade.

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D. Parking structures:

1. When adjacent to public streets the ground floor of any above ground parking structure should have built-out space suitable for retail, residential, office space. Design shall include said space or provide a façade mimicking said space for a minimum of 75% of the public street frontage.
2. Parking structure walls must utilize materials, colors, and a pattern of openings consistent with surrounding buildings.
3. Parking structure walls facing public streets or residential areas shall minimize openings to avoid noise and light impacts. This shall be accomplished with a minimum 42 inch high solid wall (measured from the finished floor elevation) on the exterior sides of each level.
4. Pole mounted light fixtures on upper decks of parking structures shall use full cut-off fixtures, have a maximum height of 16 feet, include shields for keeping light onsite and prevent the source of the light from being seen off-site. Poles shall be located between internal parking rows rather than at the structure's perimeter.
5. When adjacent to public streets pedestrian circulation elements (stair towers, elevators) shall be located toward and accessible from streets.
6. When on corner lots parking access shall be from secondary streets.
7. Underground parking may be built out to the property lot lines.



E. Street Walls

Unless otherwise restricted in this ordinance. "Street walls" from six to eight feet in height and up to 18 feet in length may be built as part of the frontage enclosure requirement and assist in screening. Street walls must have the same external veneer as the principal building's street frontage(s).

F. Right-of-Way

Any structure or portion thereof which encroaches into the public right-of-way or its airspace will require an approved right-of-way agreement from the Council.

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Section 8. Shared Parking

Different uses have different peak parking demand times. These parking peaks may vary for daytime and evening; as well as weekday and weekends. To accommodate those varying peak parking demands, mixed use developments on one lot may use the Shared Parking Table that follows. Parking spaces reserved for any use cannot be used in the Shared Parking Table.

**TABLE 2
SHARED PARKING COMPUTATION FOR NEIGHBORHOOD FORM BASED DEVELOPMENT**

LAND USE DEVELOPMENT	# OF SPACES NORMALLY REQUIRED	% ADJUSTMENT	ESTIMATED WEEKDAY DAYTIME	% ADJUSTMENT	ESTIMATED WEEKDAY EVENING	% ADJUSTMENT	ESTIMATED WEEKEND DAYTIME	% ADJUSTMENT	ESTIMATED WEEKEND EVENING
	A	B	A X B	C	A X C	D	A X D	E	A X E
Office		100%		20%		20%		5%	
General Retail		75%		80%		100%		70%	
Hotel or Motel		75%		100%		75%		100%	
Restaurant or Tavern		70%		100%		70%		100%	
Movie Theater		45%		85%		70%		100%	
Dwelling		60%		100%		80%		100%	
Place of Worship		20%		60%		100%		60%	
School or Day Care		100%		20%		15%		5%	
Other Uses		100%		100%		100%		100%	
TOTAL NORMALLY REQUIRED		TOTAL		TOTAL		TOTAL		TOTAL	
		I		II		III		IV	
REQUIRED # OF SPACES IS THE GREATEST OF TOTAL I, II, III, OR IV									

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Section 9. Sign Standards

The purpose of the sign standards and guidelines is to encourage uniform and aesthetically pleasing neighborhood signage and provide signage that is complementary and well-integrated for pedestrians while also legible to vehicular traffic. All signs will adhere, at minimum, to the standards laid out in the underlying zoning district and/or Chapter 4, Article V, Section 11, Sign Regulations, of the City of Birmingham Zoning Ordinance, but are also subject to the following additional guidelines and restrictions.

A. Prohibited Signs:

1. Animated, flashing, chasing, pulsating, rotating, video display, running or sequential signs are not permitted except for signs depicting time, temperature and gasoline prices.
2. All portable signs, as defined in the City of Birmingham Zoning Ordinance, are not permitted.
3. Banners and streamers; except decorative flags, banners and bunting for celebrations, conventions and commemorations authorized by the City ordinances, are not permitted.

B. Construction and Materials:

1. Signs shall be professionally engineered and constructed using high-quality materials.
2. A dull or matte finish is encouraged to reduce glare and enhance legibility.
3. Signs should not obscure key design features, doors or windows.
4. Wall signs for multiple businesses in the same building shall be of similar material and design.

C. When Lit:

1. Signs may be spotlighted or externally lit with a diffused light source and should be shielded in accordance with Chapter 4, Article V, Section 11, Subsection 5 of the Zoning Ordinance.
2. Signs may have backlighting to illuminate the background of letters, characters or graphics the sign.
3. Neon signs are allowed.
4. Signs may be internally lit box signs when they have routed or push-through copy and designed so that only the copy is illuminated at night.

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Section 10. Landscape Standards

The purpose of the landscape standards is to enhance the physical appearance of buildings, and their designated parking areas, and the positive impact of parking areas on adjacent land uses. Projects involving single family detached homes and duplexes are exempt from these requirements. Other projects with less than 4,000 square feet of parking area are not subject to item C, Landscaping Requirements for Surface Parking of this Section. Requirements in this Section only apply to the construction of new buildings, the expansion of an existing building that is within the minimum and maximum front yard setback area, new parking lots or alteration of parking lots over 4,000 square feet. Additionally, the Overlay District requirements will only apply to properties that are bordered by a sidewalk.

A. Landscape Plan Requirements

1. Landscape plans shall include:
 - a. The site's square footage,
 - b. Building footprint's square footage,
 - c. The parking area's square footage.
 - d. The title of development; name and address of owner/developer/agent; name and address of person/firm preparing the plan;
 - e. Date of preparation; scale; north arrow; revision dates;
 - f. Streets and easements; number of parking spaces;
 - g. The location and dimensions of entrance, exits, doors, drives, walkways, paved areas, curbs, fences, drainage and
 - h. Other improvements affecting the landscaping.
2. The plan shall also illustrate where each plant is to be installed, details for installing plant material and a composite plant material schedule which totals quantities and lists all plants by common name, botanical name, size or specification and spacing.
3. Landscape Plans shall be prepared by a registered Landscape Architect or Architect. All submitted plans shall bear the architect's seal, signature and State of Alabama registration number.

B. Design Standards

The zoning ordinance has landscape requirements for surface parking areas as well as requirements for the overall site. In addition to citywide requirements, the following requirements also apply. In case of conflicts with the citywide regulations and those of the Highland Park Neighborhood Form Based Overlay District, the more restrictive shall apply. All landscape plans shall be drawn at no greater than 1"=30' in scale so as to convey the design intent.

1. Only trees with a mature height of greater than 40' may be planted to comply with the requirements of this Section, except when site visibility at intersections or when overhead utilities prevent the use of large trees, in which case medium or small trees may be used. Large trees shall be no less than 2 1/2 inch caliper at time of installation. Small trees shall have a minimum eight feet in height at time of installation.

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2. One tree per every 2,000 square feet of required landscape area shall be installed.
3. A combination of trees, shrubs, grass and groundcovers shall be used.
4. Plant material shall conform to the American Standard for Nursery Stock, latest edition, published by The American Association of Nurserymen.
5. All cuts and fills and/or terraces shall have sufficient vegetative cover installed so as to prevent erosion.

C. Landscape Requirements for Surface Parking:

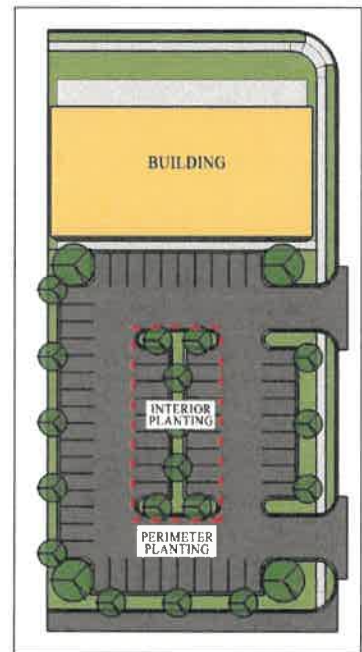
These requirements apply to all areas used for off-street parking, loading, vehicle maneuvering and are 4,000 square feet or larger. A minimum of five percent of the parking area must be landscaped. The following planting layout must be followed which may exceed the five percent minimum.

1. Perimeter Surface Parking Planting:

- a. A perimeter planting strip shall be adjacent to any public street. These planting strips shall be a minimum of five feet wide.
- b. A perimeter planting strips shall be planted with a combination of trees, shrubs and groundcovers. Shrubs shall be used to screen the right of way from views of parked cars and shall be maintained at no less than 36 inches in height.
- c. The planting strip shall be covered with groundcover or organic or mineral mulch so as no soil is left exposed. The use of concrete, asphalt or other impervious surfaces is prohibited.

2. Interior Surface Parking Plantings:

These plantings are required for parking areas over 10,000 square feet: Properties used for the retail sale of automobiles are exempt from this requirement.



- a. In addition to the Perimeter Surface Parking Planting requirements, one half (2.5%) of the minimum required five percent of the total square footage of the surface parking area shall be planted with trees, shrubs, grass and ground covers.
- b. Interior parking plantings must be located so that vehicles may maneuver on all sides or project into the parking area at least 18 feet with parking or maneuvering areas on three sides. Interior landscape islands or swales shall have a minimum dimension of five feet at the site where trees are located. The minimum square footage of interior parking islands or swales is 60 square feet.
- c. One landscaped island or swale shall be required for each row of 12 contiguous parking spaces. This island shall be planted with at least one tree each that meets the minimum requirements of this Section.

D. Overall Site Landscape Requirements:

1. Five percent of the site (minus parking area and structures) shall be landscaped.

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2. Plantings shall conform to item B, Design Standards of this Section.

E. Special Screening Requirements:

Dumpsters and other trash receptacles for all uses other than single-family or two-family residences shall be screened from public streets or properties which are zoned for residential use. Receptacles shall be below grade or shall be placed on a concrete pad and enclosed on three sides by wall at a height taller than the container. Enclosures' fourth side shall have an opaque gate unless the service opening is oriented away from public streets or adjacent residential properties. The enclosure shall be built of permanent materials with a veneer similar to the principal structure's veneer.

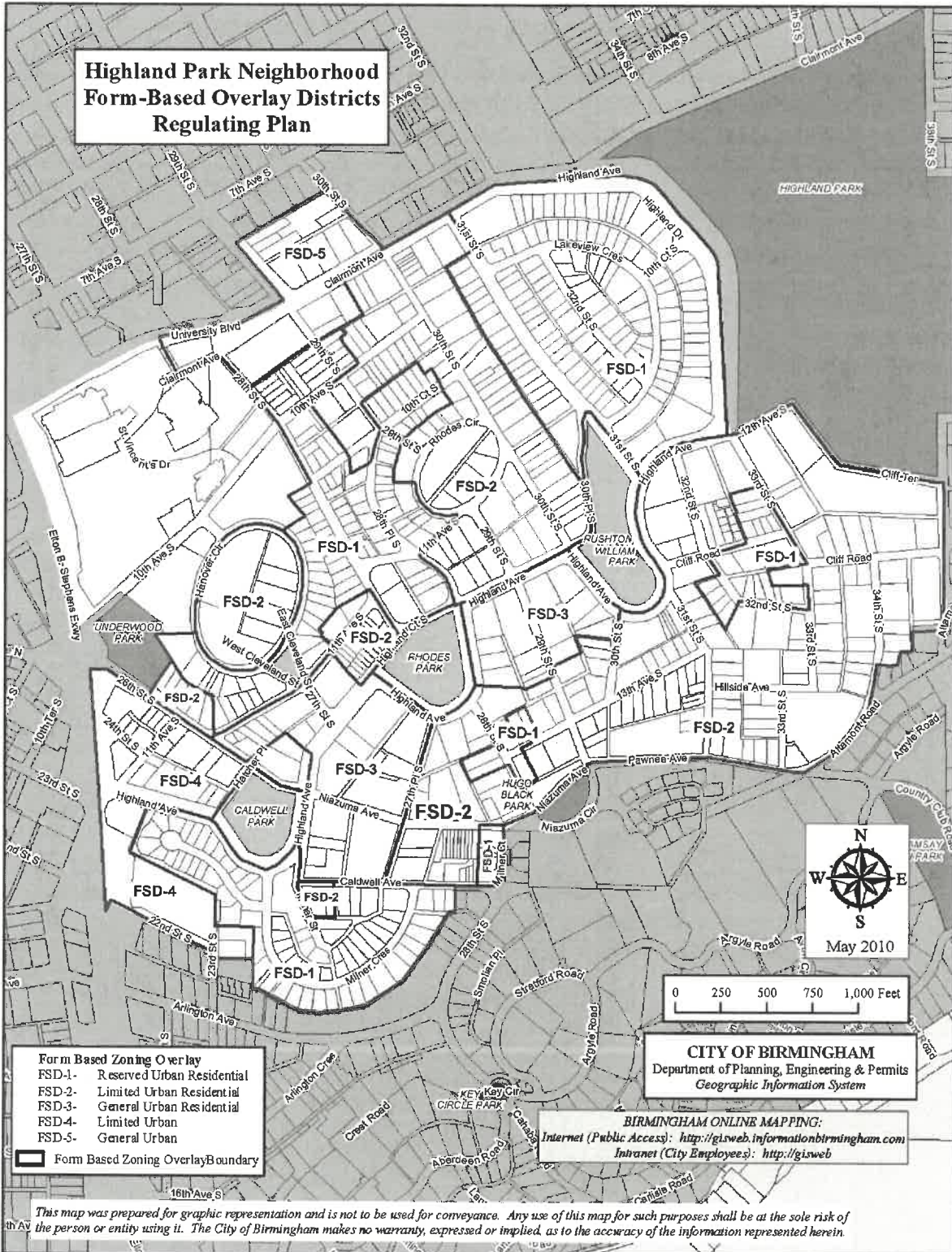
F. Maintenance:

The property owner shall be responsible for the maintenance, repair and replacement of all landscape materials, barriers and irrigation systems required by this Section. All plant material shall be maintained in perpetuity in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.

G. Irrigation:

Plant material irrigation is encouraged. It is preferable that non-potable water be used for irrigation. (Ord. 09-148)

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Neighborhood Association.

The *Highland Park Neighborhood Association* met at its regular scheduled meeting on **October 11, 2022** and voted to

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to ensure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00062

Overton Neighborhood

Request: Request for a **Parking Modification** to allow for 11 parking spaces instead of the required 58 parking spaces for warehousing and office area. A request for a **Special Exception** to allow for a mini-storage warehouse in a C-2, General Commercial, zoning district.

Filed by: Bert Boykin, on behalf of the owner, Cool Box Liberty Park LLC.

Location: 4590 Overton Road Birmingham, AL 35223 situated in the SW ¼ of Section 01, Township 18-S, Range 2-W, Council District 2.

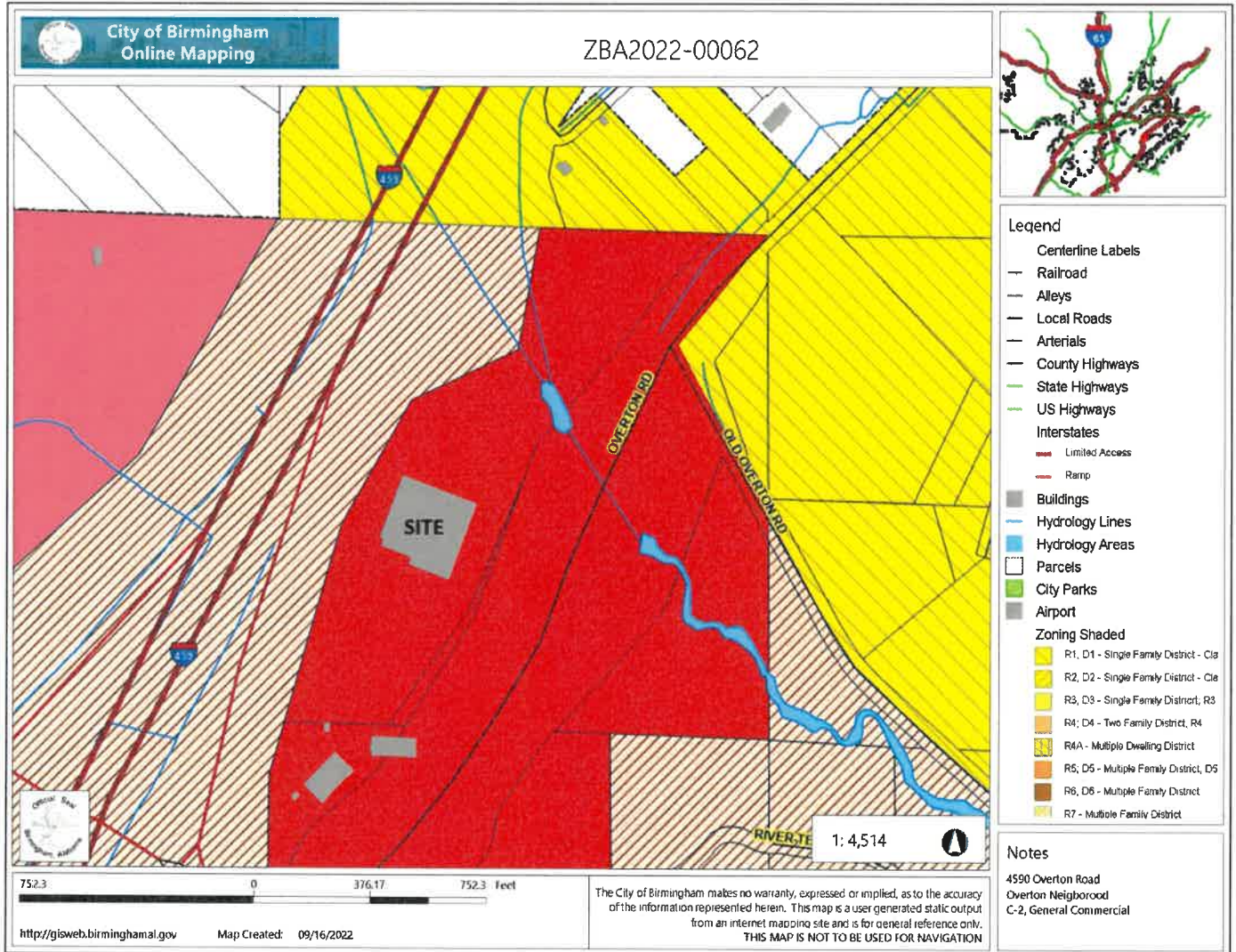


Applicant's Proposal.

The applicant is proposing a special exception for an existing legal non-conforming mini-storage facility and parking modification for the site to allow for 11 spaces instead of the required 58 parking spaces.

Property and Abutting Land Uses:

The subject property sits on 11.4 acres, currently zoned **Q-C2 (Qualified General Commercial District)**. To the North are parcels zoned D-1, Single-Family District. To the South and East are parcels zoned C-C2, Contingency General Commercial District. To the West are parcels zoned HZD, Holding District.



The C-2, General Commercial District is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.

Previous Actions.

Z-6-91. The property was rezoned from C-1, Neighborhood Commercial District, to “Q” B-2 with the following “Q” Conditions attached:

1. Limit permitted uses to all B-1, Neighborhood Business District uses, except numbers 11 and 14, according to Article 2, Section 1, Subsection 2.
2. All B-2 uses, General Business District, except Number 2(excluding on-premise signs) 3, 4, 5 (excluding amusement or recreation service) 9, 10, 12, 15, 17, and 18.
3. Submission of a detailed development plan for review and approval by the Urban Planning staff of the City of Birmingham. Review to include all site related criteria established for B-5 district.

ZAC2016-00026. Rezoning request for a change in zone district boundaries from "Q"B-2, Qualified General Business District To "Q"B-2, Qualified General Business District and thereby amending the "Q" conditions of case Z-6-91 to allow a storage facility, a use previously restricted by said "Q" conditions.

Zoning Ordinance.

Mini Storage Warehouse. In the C-2 district, a special exception may be granted by the Board 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 on the premises in the units.
2. No storage of highly combustible, flammable or explosive products or materials is allowed.
3. Access to storage areas must be internal to the building.
4. 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 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.
5. The following Frontage Façade Standards must be met:
 - a. Frontage Façade Buildout – 60% minimum
 - b. Main entrance must be in frontage façade or principal frontages
 - c. Building must be parallel to frontage lines
 - d. Blank walls are not permitted at frontages
 - e. Frontage façade void area – 20% to 60% of total frontage façade area
 - f. Frontage façade openings – windows and/or doors spaced less than or equal to 20 feet apart

Parking Requirement:

Warehousing: 1 per 2,000 sq. ft. of Gross Floor Area (GFA).

116,000 sq. ft. / 2,000 sq. ft = 58

58 Parking Spaces Required

The site plan shows 11 parking spaces, the site is underparked 47 spaces for the use.



Parking Study.

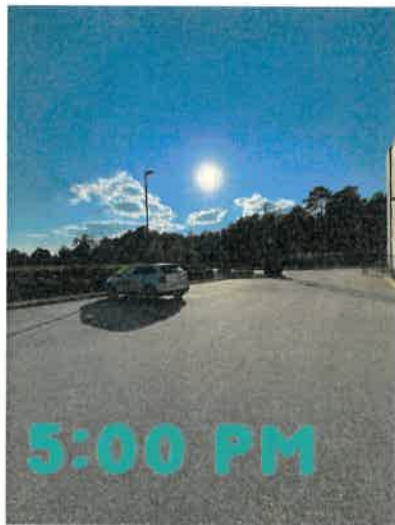
9/14/22

- 9 am: 1 car
- 1 pm: 1 car
- 5 pm: 1 car



9/16/22

- 9 am: 5 cars
- 1 pm: 0 cars
- 5 pm: 1 car



9/17/22

- 9 am: 4 cars
- 1 pm: 3 cars
- 5pm: 2 cars



Neighborhood Association.

The **Overton Neighborhood Association** met at its regular scheduled meeting on **October 4, 2022** and voted to unanimously support the request.

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to ensure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00063

Overton Neighborhood

Request: Request for a **Variance** to allow for an expansion of wayfinding monument signs that exceeds the maximum allowed by the Zoning Ordinance.

Filed by: Katie Fitzjarrald, on behalf of the owner, Target Corporation.

Location: 4616 Highway 280 Birmingham, AL 35242 situated in the NE $\frac{1}{4}$ of Section 35, Township 18-S, Range 2-W, Shelby County.



Applicant's Proposal.

The applicant is installing 3 new wayfinding signs for the Target Drive Up spaces.





Variance Justification

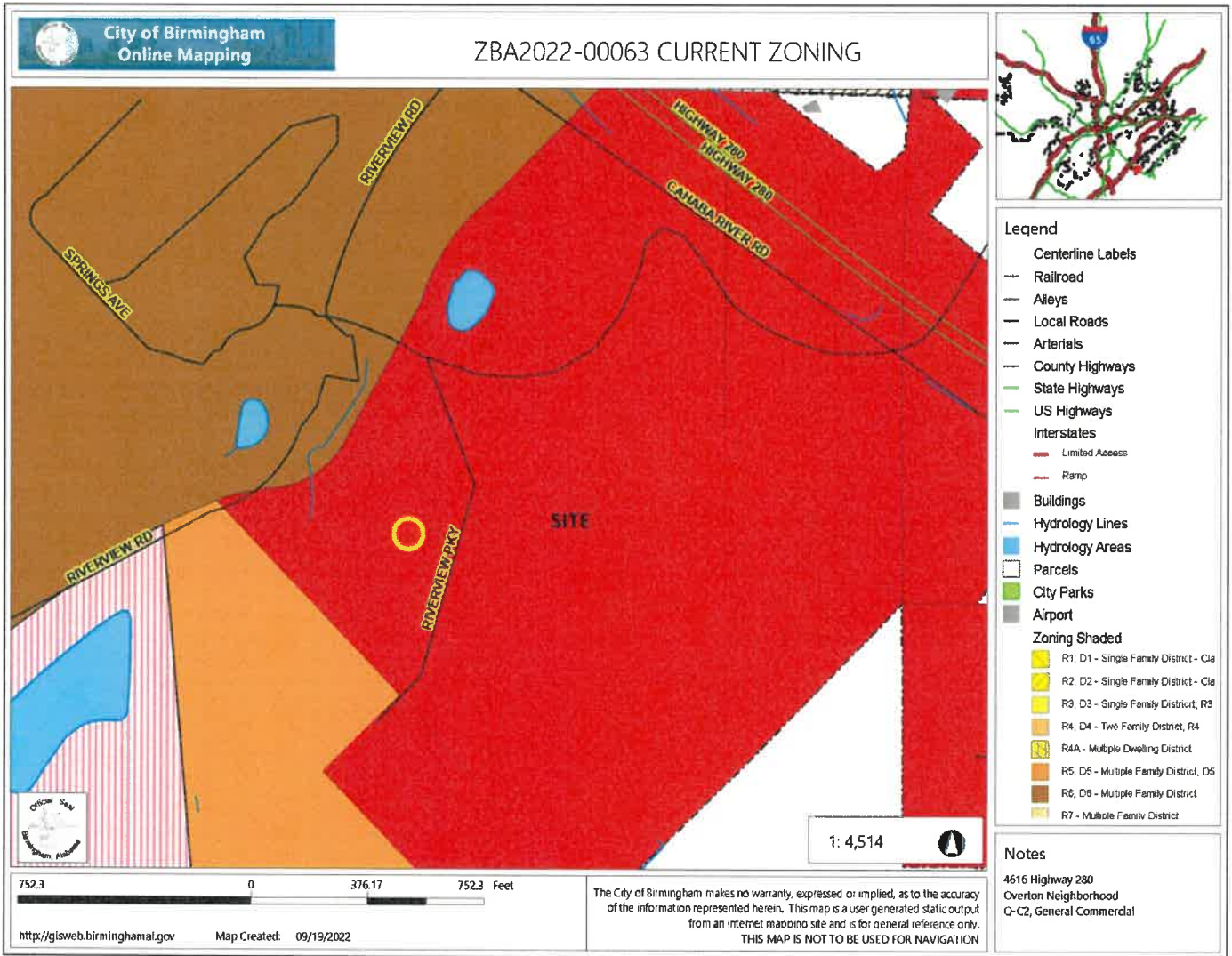
Target has identified a better way to serve customers as shopping needs have continued to change. “Drive-Up” (DU) is Target’s program that allows customers to purchase merchandise online or on their app, and then pick it up at a physical store location. A Target team member will bring the pre-paid merchandise out to the customer’s vehicle, so the customer does not have to leave their vehicle at all during the process. This has become a popular shopping option as COVID-19 made contactless/reduced person-to-person shopping critical. This program drastically reduces the time a guest is required to spend at the store, which reduces the amount of standard parking needed to serve the same number of guests and creates operational efficiencies.

Kimley Horn is requesting, on behalf of Target Corporation, an allowance of more wayfinding signage on property to allow for a safer environment for both customers and employees utilizing the Drive-Up spaces for online order pick up.

Due to the property hosting a plethora of shops with a shared parking lot wayfinding and directional signage are imperative to keep the traffic flow steady within the parking lot. There are no self-imposed hardships with this site due to any actions of a previous business and or person. There is no financial gain to be had over directional and wayfinding signage for traffic flow on site in this case, this is solely for our customers to be well guided. A granting of this proposed variance will not injurious to other property improvements in the area nor will there be any harm caused to public welfare, we are in fact trying to keep the property and shopping experience as safe as possible.

Property and Abutting Land Uses.

The subject property is currently zoned **Q-C2 (Qualified General Commercial District)**. To the North are parcels zoned D-1, Single-Family District. To the South and East are parcels zoned C-C2, Contingency General Commercial District. To the West are parcels zoned HZD, Holding District.



The C-2, General Commercial District is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts.

Highway 280 Overlay District Sign Regulations

Section 7. Signs

A. Permits Required. A sign permit shall be obtained from the Department of Planning, Engineering & Permits prior to the erection or placement of a sign which is regulated by this Section.

B. Exempt Signs. The following signs are exempt from the requirements of this Section, provided they do not create a safety hazard as determined by the appropriate governmental authority.

1. Directional signs which do not exceed four square feet of copy area nor three feet in height, located in parking or vehicle maneuvering areas, which are intended to direct traffic through the area and do not contain any advertising.
2. Regulatory, statutory and traffic control signs necessary to promote the public health, safety and welfare; as required by the municipal, county, state or federal government.
3. Legal notices, memorial and historical markers and other official government signs.
4. Holiday lights and decorations.
5. Signs incorporated into vending machines by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine, including gasoline pumps, and telephone booths.
6. Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
7. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
8. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
9. Works of art that do not constitute advertising
10. Signs carried by a person
11. One temporary, construction sign not to exceed 16 square feet in area, nor six feet in height
12. Projecting (or Blade) Signs subject to administrative review provided that said sign(s) shall not extend more than four feet from the vertical surface of the building to which it is mounted, shall be a minimum of eight feet above the exterior grade, and the total sign face area (excluding bracket or mounting device) shall not exceed 16 square feet for one sign (total for both faces), 24 square feet for two signs (total four faces), or 30 square feet for three signs (total six faces). The maximum number of projecting signs per building or tenant space shall be based on actual linear feet of frontage. Only one sign is exempted for frontage of less than 50 feet, two signs for frontage of greater than 50 feet but less than 100 feet, and three signs for frontage of greater than 100 feet with a maximum of three signs per building or tenant space. (Ord. 08-71).

Prohibited Signs

1. Signs which do not comply with the adopted building, electrical or fire codes
2. Any sign which constitutes a safety hazard, as determined by the appropriate governmental authority, including signs which obstruct visibility at intersections
3. Signs which are not permanently attached to the ground or a building, including, portable signs, inflatable signs, banners and similar devices
4. Off-premise signs
5. Signs located in the public right-of-way and signs attached to trees or poles, including signs attached to private property located in the public right-of-way
6. Animated signs, including signs which move, revolve, rotate, or appear to be animated by mechanical, electronic or other means
7. Signs with flashing, blinking, moving or intermittent light or with light which varies in intensity or color, except time and temperature signs
8. Strings of light bulbs, inflatable signs, and signs which emit noise, odor or visible matter such as smoke or steam
9. Wind driven signs including banners, flags, pennants, ribbons, spinners, streamers, captive balloons and similar devices
10. Roof signs
11. Signs that incorporate projected images, emit any sound that is intended to attract attention or involve the use of live animals
12. Signs or sign structures that interfere, in any way, with the free use of any fire escape, emergency exit or standpipe, or that obstructs any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations
13. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device; or, nongovernmental signs that use the words "STOP," "LOOK," "DANGER," or any similar word, phrase or symbol
14. Signs that contain any writing or control mechanism that causes unreasonable interference with radio, television or other communication signals

General Regulations for all Signs Throughout the Corridor

1. Not more than one flag of governmental, religious, charitable, or fraternal organizations may be displayed on any one parcel of land. The flag shall not exceed 15 square feet in area and shall be flown from a pole, the top of which shall be less than 35 feet in height.
2. No sign shall have more than two faces.

Signs Permitted for Retail and Service Establishments Located in a Shopping Center

Each tenant space may have one building wall sign or one canopy sign. A tenant space with more than 50,000 square feet of gross floor area may have one building wall sign or one canopy sign per facing street, if the tenant space is located at the end of the shopping center building which faces a public street intersection.

1. The building wall sign or canopy sign for each business shall be attached to a front or side building wall which encloses that business premises.
2. The maximum sign face area shall be 15 percent of the building wall area to which the sign or canopy is attached, up to a maximum sign face area of 150 square feet. The maximum sign face area may be increased one square foot for every five feet of building setback in excess of 50 feet, up to a maximum sign face area of 210 square feet.

Shopping Center Identification Signs

Each shopping center may have one freestanding sign which identifies the name of the shopping center. Tenant signs are permitted, provided that the combined total sign face area for both tenant signs and the shopping center identification sign does not exceed the maximum allowable sign face area shown in Section (H)(1)(b)(c).

1. Freestanding Sign

- a. Maximum height of the sign shall be 20 feet above the average elevation of the ground at the base of the sign, if the average grade is at or lower in elevation than the centerline of the nearest public street; or 10 feet above the average elevation of the ground at the base of the sign, if the average grade is higher in elevation than the center line elevation of the nearest public street. Said elevation shall be measured at the point on the centerline which is closest to the sign. Berms shall not be used to increase the height of a free standing sign.
- b. For shopping centers with more than 300 continuous feet of public road frontage, maximum height of the sign shall be 30 feet above the average elevation of the ground at the base of the sign, if the average grade is at or lower in elevation than the centerline of the nearest public street; or 18 feet above the average elevation of the ground at the base of the sign, if the average grade is higher in elevation than the center line of the nearest public street. Said elevation shall be measured at the point on the centerline which is closest to the sign. Berms shall not be used to increase the height of a free standing sign.
- c. The maximum sign face area of an internally illuminated sign shall be 55 square feet. Sign face area may be increased one square foot for every eight feet of continuous public street frontage in excess of 300 feet, up to a maximum sign face area of 96 square feet.
- d. The maximum sign face area of a non-illuminated or indirectly illuminated sign shall be 66 square feet. Sign face area may be increased one square foot for every five feet of continuous public street frontage in excess of 300 feet, up to a maximum sign face area of 120 square feet.
- e. Signs shall be setback at least 10 feet from any property line.

Previous Actions.

Z-6-88. In 1988 this parcel was rezoned from O & I, Office and Institutional, to QB-2, “Qualified” General Business District. The following “Q” Conditions were placed on the property:

1. A 25’ ft. undisturbed natural buffer on the south and east portion of the property; with landscaping from the undisturbed buffer to the proposed parking lot.

Zoning Ordinance.

SECTION 6. MONUMENT SIGNS

Where permitted. Each occupant of a premise may display one monument sign for each 300 feet of street or highway frontage. A premise may display both pole and monument signs if no pole sign is more than 50 square feet in area.

In the following zoning districts, each occupant of a premise may display a monument sign adjacent to each street or highway on which it has frontage. 1. D-1, D-2, D-3, D-4, D-5, D-6, MU-L, MU-M, MU-H, MU-D, C-1, C-2, I-1, I-2, I-3, I-4, PRD, HID, AG.

Monument signs must comply with the following size, setback, and height regulations:

Size. The sign area of any monument sign must not exceed 80 square feet.

Setback. A monument sign adjacent to any single-family or duplex residential use, public park or school must adhere to the following setbacks:

1. Monument signs of 80 square feet must be set back at least 300 feet from the property line adjacent to a single-family or duplex residential use, public park or school
2. Monument signs between 60 and 80 square feet must be set back at least 200 feet from the property line adjacent to a single-family or duplex residential use, public park or school
3. Monument signs 60 square feet or less must be set back at least 100 feet from the property line adjacent to a single-family or duplex residential use, public park or school

Height. A monument sign must not exceed 8 feet in height.

SECTION 7. POLE SIGNS

Where permitted. Each occupant of a premise may display one pole sign in the following zoning districts: 1. C-2, I-1, I-2 Where prohibited. No new pole signs are permitted in an Area of Special Aesthetic Concern as defined by this ordinance.

Pole signs must comply with the following size, setback, and height regulations:

Size. The sign area of any pole sign must not exceed 80 square feet. **Setback.** A pole sign adjacent to any single-family or duplex residential use, public park or school must be set back at least 300 feet.

Height. A pole sign must not exceed 25 feet in height.

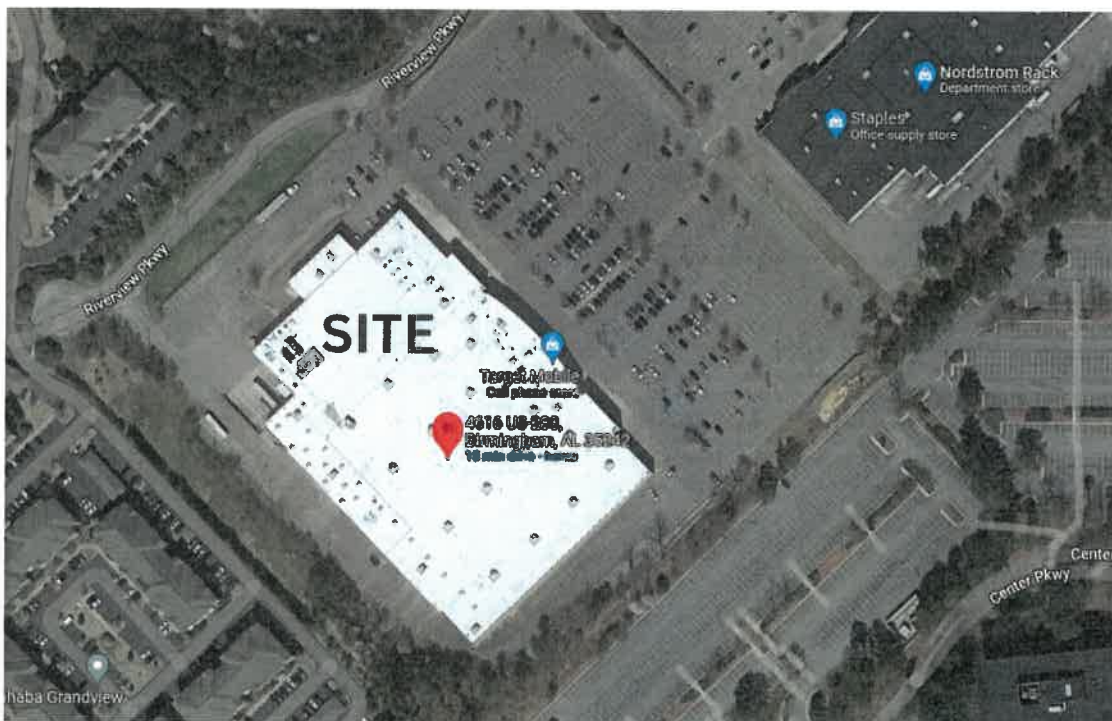
Neighborhood Association.

The **Overton Neighborhood Association** met at its regular scheduled meeting on **October 4, 2022** and voted to unanimously support the request.

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to ensure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.





Zoning Board of Adjustment Staff Report

Department of Planning, Engineering, & Permits

ZBA2022-00065

Killough Springs Neighborhood

Request: Application requesting a **Parking Modification** to allow for 25 parking spaces instead of the required 44 parking spaces.

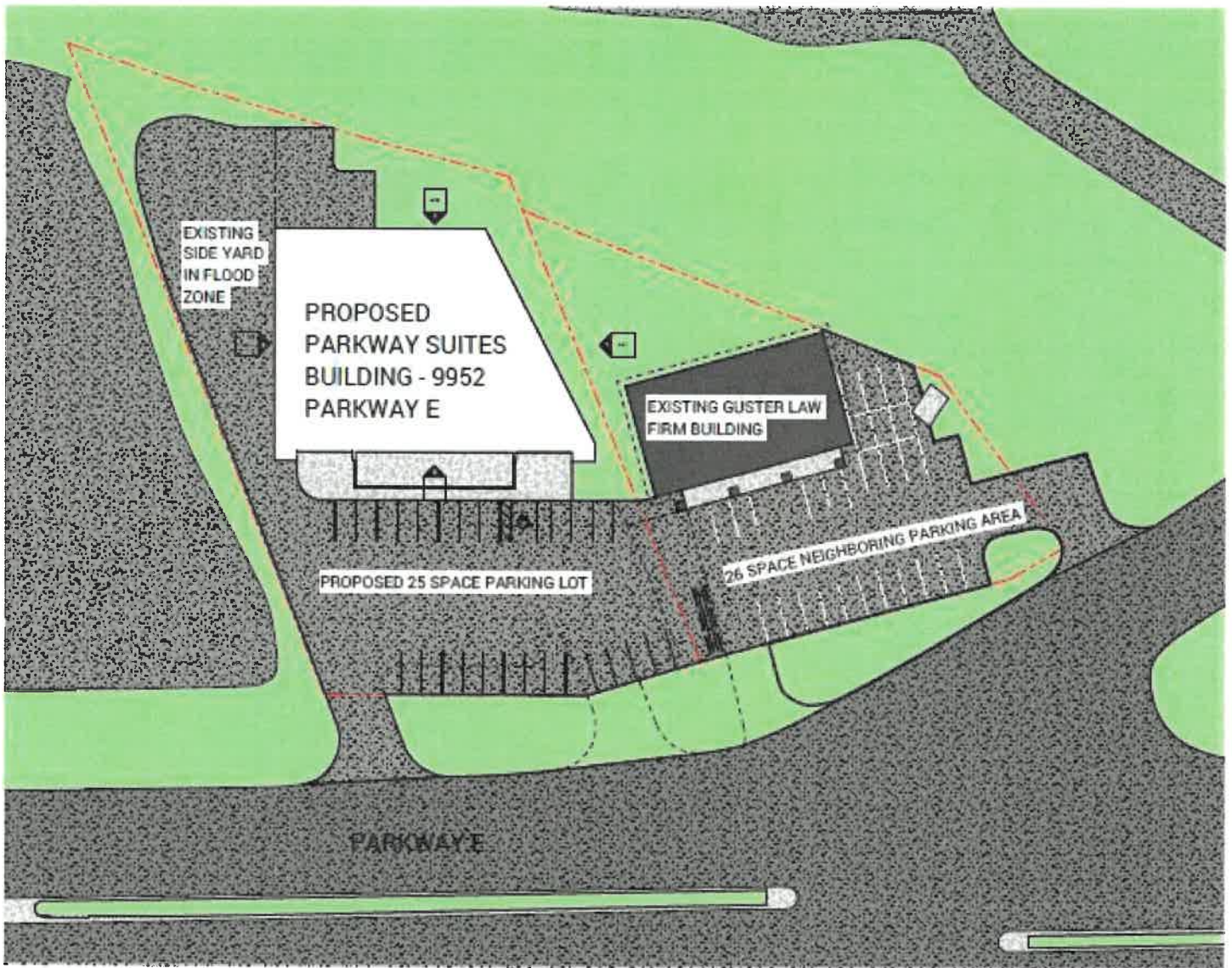
Filed by: Mike Gibson, of Creature LLC, on behalf of the owner, Eric Guster.

Location: 9952 Parkway East Birmingham, AL 35215 situated in the SW ¼ of Section 30, Township 16-S, Range 1-W, Council District 1.



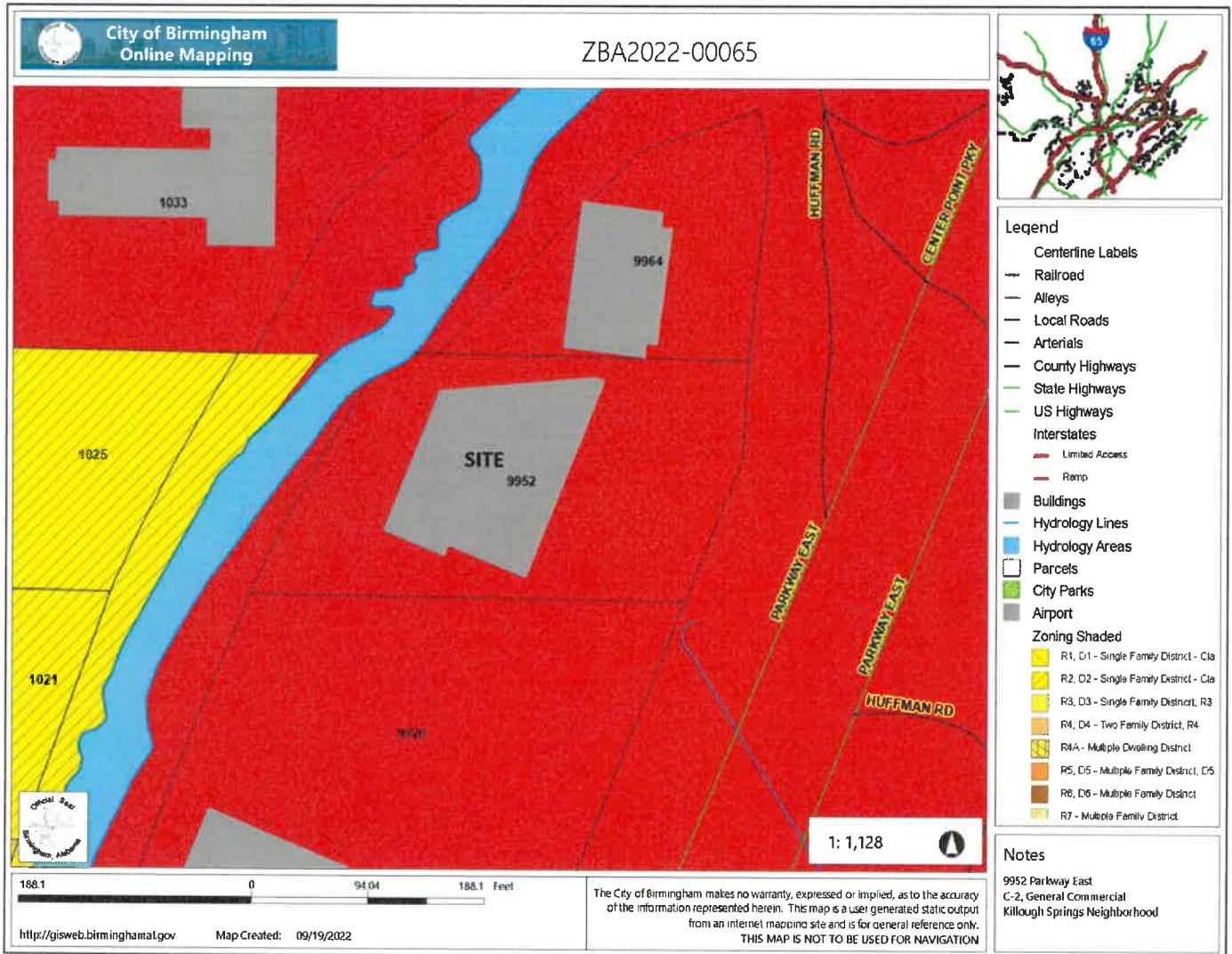
Applicant's Proposal.

The owner would like to use the structure currently on the lot as extra storage space for his law firm and possibly, in the future, rent it out as beauty salon suites. The parking does not currently meet the requirement for these two uses, he is required to have 44 parking spaces and only has 25 parking spaces.



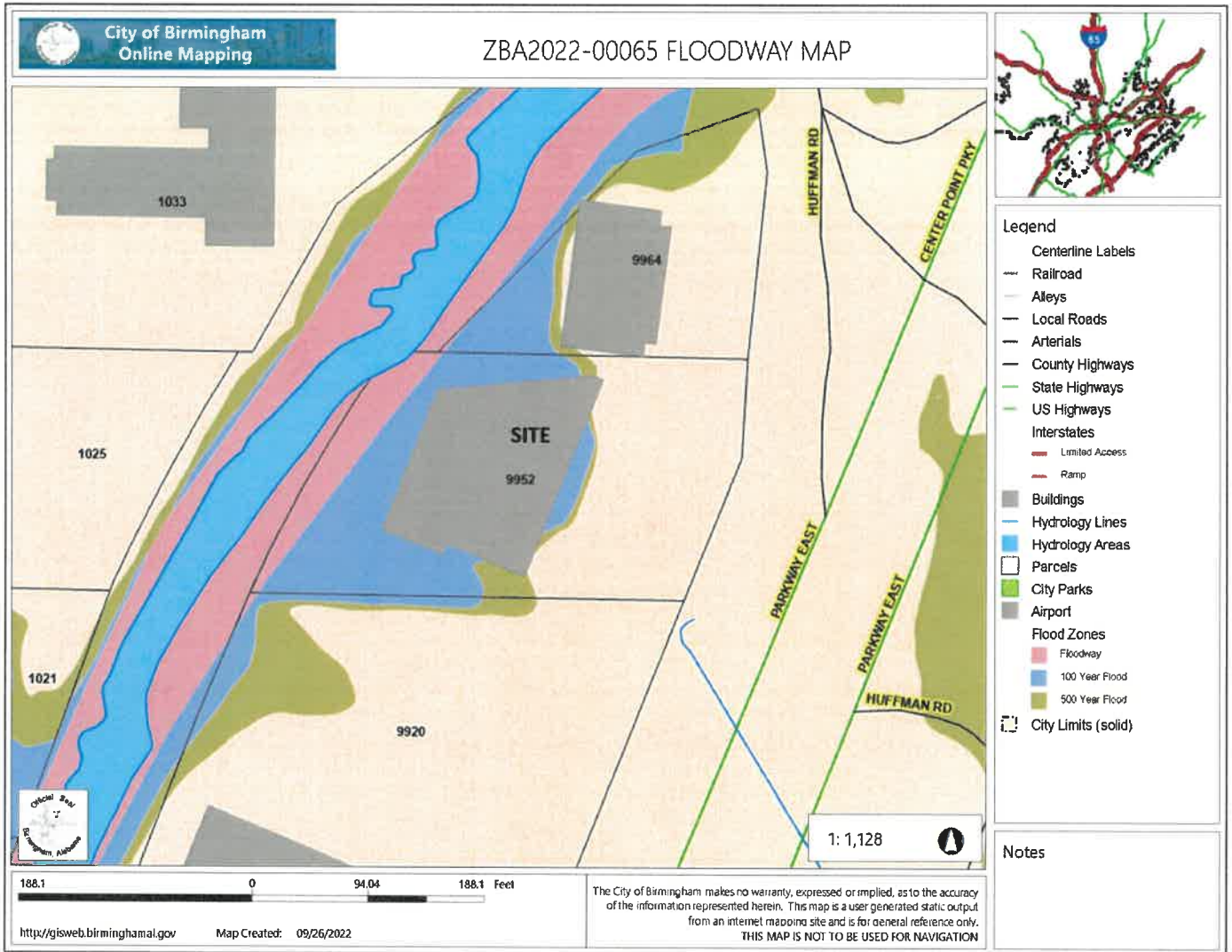
Property and Abutting Land Uses:

The subject property is currently zoned **C-2 (General Commercial District)**. To the North, South, and East are parcels zoned C-2, General Commercial District. To the West, across the creek, are parcels zoned D-2, Single-Family District.



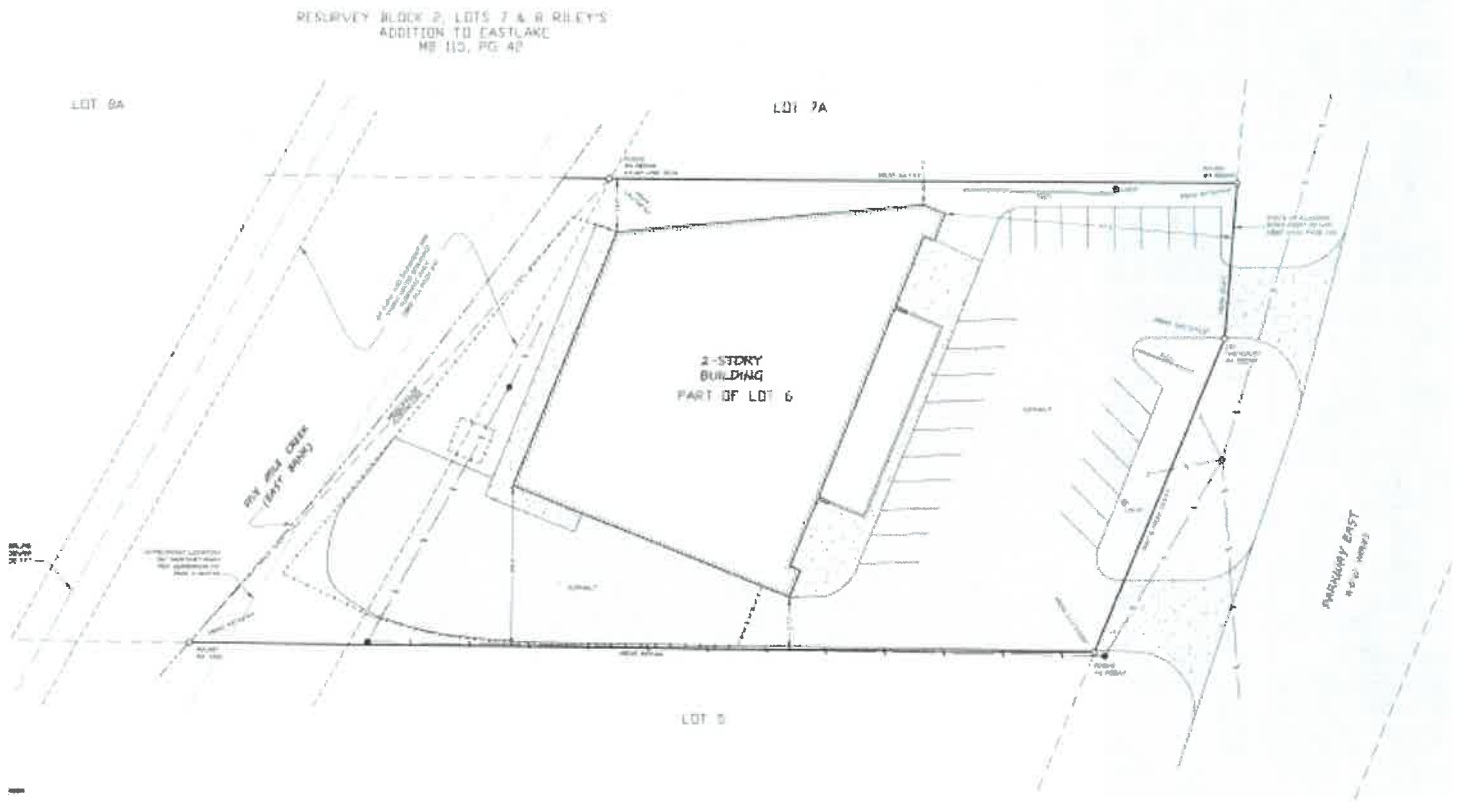
The General Commercial District is designed to allow for areas serving a citywide or regional trade area, including shopping and entertainment centers that offer a range of retail and service establishments. Uses in this district include: large supermarkets, department stores, movie theaters, big box stores, supporting retail and other services, leisure and entertainment uses, high density multi-family, schools, churches, and neighborhood-serving public uses. Office uses with ground floor retail are encouraged. This district is intended to be accessible by auto, but should be designed to accommodate pedestrians and bicyclists, provide interior circulation between properties, and appropriate landscaping to counter heat island and stormwater impacts

This property is located in a Floodplain.



5 Mile Creek





SURVEY

Previous Actions.

ZAC2003-00009. The property was rezoned from R-2, Single-Family Residential to O&I, Office and Institutional to permit a professional office complex.

Zoning Ordinance.

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.

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.

Parking Requirement:

Office: 1 space per 400 sq. ft. of Gross Floor Area (GFA).

Beauty Shop: 1 per 300 sq. ft. of GFA

Proposed Office: $21,024 / 400 = 52.56$

Proposed Beauty Shop: $21,024 / 300 = 70.08$

The site plan is short 28 to 45 parking spaces depending on the use.

See attached Parking Study.

Neighborhood Association.

The *Killough Springs Neighborhood Association* met at its regularly scheduled meeting on **October 11, 2022** and voted to

Recommended Conditions:

If approved by the Board, below are the recommended conditions:

1. Review by the appropriate zoning inspector to ensure compliance with the Board's decision.
2. All permits and certificate(s) of occupancy, if applicable, shall be obtained within two years of approval from the Board.

creature

Parking Study of Guster Law Firm for Parkway Suites Parking Modification
Address: 9964 Parkway E, Birmingham, AL 35215

MON 09/12/2022



FRONT - 9:00AM
2 CARS



SIDE - 9:00 AM
0 CARS



FRONT - 12:00 PM
2 CARS



2212 1st Avenue South
Birmingham, AL 35233

Office 205 322 7726
creaturebuilds.com

creature



SIDE – 12:00 PM
0 CARS



FRONT - 4:00 PM
2 CARS



SIDE – 4:00 PM
0 CARS



2212 1st Avenue South
Birmingham, AL 35233

Office 205 322 7726
creaturebuilds.com

creature

WED 09/14/2022



FRONT - 9:00 AM
2 CARS



SIDE - 9:00 AM
0 CARS



FRONT - 12:00 PM
2 CARS



2212 1st Avenue South
Birmingham, AL 35233

Office 205 322 7726
creaturebuilds.com

creature



SIDE - 12:00 PM
0 CARS



FRONT - 4:00 PM
1 CAR



SIDE - 4:00 PM
0 CARS

FRI 09/16/2022



2212 1st Avenue South
Birmingham, AL 35233

Office 205 322 7726
creaturebuilds.com

creature



FRONT - 9:00 AM
2 CARS



SIDE - 9:00 AM
0 CARS



FRONT - 12:00 PM
2 CARS



SIDE - 12:00 PM
0 CARS



2212 1st Avenue South
Birmingham, AL 35233

Office 205 322 7726
creaturebuilds.com

creature



FRONT - 4:00 PM
1 CAR



SIDE - 4:00 PM
0 CARS

AVERAGE:

FRONT:

- 9:00 AM - 2 CARS
- 12:00 PM - 2 CARS
- 4:00 PM - 1.3 CARS

SIDE:

- 9:00 AM - 0 CARS
- 12:00 PM - 0 CARS
- 4:00 PM - 0 CARS



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Birmingham, AL 35233

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