

Section 1. - B-1 Neighborhood Business District.

Subsection 1. *Generally.* The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the B-1 Neighborhood Business District.

(Ord. No. 07-33, § 1(1), 2-13-2007)

Subsection 2. *Use regulations.* A building or premises shall be used only for the following purposes:

1. Any use permitted in the R-5 Multiple Dwelling District.
2. Greenhouse having a retail outlet on the premises.
3. Bakery with sales of all bakery products at retail on the premises only; except, that catering services direct to consumer shall be permitted.
4. Barbershop, beauty shop, massage or similar personal service shops.
5. Catering shop, business, music, dancing, or similar school.
6. Dressmaking and tailoring; provided that all work is done for individuals, at retail only, and on the premises.
7. Drugstore limited to size to that which is of service to the immediately surrounding neighborhood only.
8. Dwelling, jointly with other uses or as a principal use.
9. Laundromat or shop for the delivery or picking up of laundry or dry cleaning.
10. Medical or dental office or clinic and other professional or business office.
11. Parking lot or parking garage.
12. Restaurant or coffee shop; provided that the serving of food or beverages to patrons waiting in parked automobiles shall not be permitted.
13. Retail store, limited in character and size to that which is of service to the immediately surrounding neighborhood only, except for any such use listed for the first time in the B-2 or B-3 districts.
14. Service station, except, no up shall be located within 50 feet of a dwelling district, nor any portion of a structure within 15 feet of a dwelling district.
15. Shoe repairing, repairing of household appliances and bicycles on an individual service call basis, and other uses of a similar character limited in size and nature to those which serve the immediately surrounding neighborhood.
16. Telephone exchange or outdoor public telephone booth.
17. Tourist home.
18. Utility installations.
19. Adult care facility or child care center.
20. Accessory structures and uses, including signs subject to the following conditions:
 - a. Signs shall pertain to goods, products or services sold or offered on the premises.
 - b. Signs shall be attached to a vertical surface of the building or extend not more than 18 inches therefrom.
 - c. Such signs shall not exceed in the aggregate 40 square feet of gross surface area for any lot having 40 feet or less of street frontage. On lots having a frontage greater than 40 feet,

such sign or signs shall not exceed in the aggregate one square foot in area for each linear foot of principal street frontage, but in no case shall the aggregate area of such sign or signs exceed 60 square feet, provided, however, in developments consisting of two or more establishments each use shall be allowed signs not to exceed the frontage occupied by such establishment, but in no case to exceed 60 square feet.

21. Farmers market provided that sales only occur on a temporary basis no more than 78 days per year and between the hours of 7:00 a.m. and 7:00 p.m., market can not operate for more than two consecutive days, 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 nonresidential lot that is within 500 feet and is not in use during market hours, items made from kits, used or mass-produced items are prohibited, 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, an affidavit verifying landowners permission and identifying market manager is submitted to PEP, acknowledgement of applicable Jefferson County Health Department regulations, 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 cleanup procedures.
 - f. Detailed explanation of location of market and days/hours of operation.
 - g. Address of the market location.
 - h. Parking plan.
22. Public market provided that 25 percent of vendors sell produce or value-added agricultural products, sales only occur on a temporary basis no more than 78 days per year and between the hours of 7:00 a.m. and 7:00 p.m., market can not operate for more than two consecutive days, 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-residential lot that is within 500 feet and is not in use during market hours, used clothing, mass produced items and appliances are prohibited, 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, an affidavit verifying landowners permission and identifying market manager is submitted to PEP, acknowledgement of applicable Jefferson County Health Department regulations, and a 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 cleanup procedures.
 - e. Detailed explanation of location of market and days/hours of operation.
 - f. Parking plan.
23. Pay day (deferred presentment) and title loan operations.

(Ord. No. 94-66, § I, 4-5-1994; Ord. No. 07-33, § 1(2), 2-13-2007; Ord. No. 13-71, 5-7-2013; Ord. No. 13-178, § 1, 12-26-2013)

Subsection 3. *Area and dimensional regulations.* Except as provided in articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure in Feet	Minimum Yards			Minimum Lot Area Per Family	Minimum Lot Width
	Front	Rear	Side		
35 feet, or the height of an abutting residential district whichever is least restrictive.	None, except where the frontage between two intersecting streets is partly in an E or R district, in which case the front yard requirements of the E or R district shall apply.	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet.	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 5 feet.	5,000 square feet for single-family dwellings.	50 feet when lot is used solely for dwelling purposes, except that in attached and semi-attached dwellings the minimum lot width shall be not less than 16 feet.
				2,500 square feet for two-family dwellings.	
				1,800 square feet for attached and semi-attached dwellings.	
				1,000 square feet for multiple dwellings.	

(Ord. No. 07-33, § 1(3), 2-13-2007)

Subsection 4. *Site development plan.*

1. Except for single-family and two-family dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is

enlarged or extended to at least 50 percent of its current floor area. At a minimum, the site development plan must show:

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

(Ord. No. 07-33, § 1(4), 2-13-2007)

Subsection 5. *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in article V.

(Ord. No. 07-33, § 1(5), 2-13-2007)

Subsection 6. *Other regulations.* Attached and semi-attached dwellings must comply with the requirements set forth in article VI, section 15.

(Ord. No. 07-33, § 1(6), 2-13-2007)

Editor's note— The subdivision regulations referenced in subsection 4 of this section can be found in Appendix C to this Code.

Section 2. - B-2 General Business District.

Subsection 1. *Generally.* The regulations set forth in this section or set forth elsewhere in this ordinance, when referred to in this section, are the regulations in the B-2 General Business District.

(Ord. No. 07-33, § 2(1), 2-13-2007)

Subsection 2. *Use regulations.* A building or premises shall be used only for the following purposes:

1. Any use permitted in the B-1 Neighborhood Business District; except that the limitations upon extent of service area shall not apply.
2. Signs or billboards.
3. Automobile or trailer display and sales room.
4. Public garage.
5. Amusement or recreation service except drive-in theater or practice golf driving range.
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.
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.
19. Bank or lending institution.
20. Utility service buildings.
21. Medical or dental laboratory.
22. The following uses provided all materials stored and all work done on the premises is done within a building:
 - a. Dyeing and cleaning establishment or laundry; provided pickup or delivery of clothing is not made to other pickup points.
 - b. Painting decorators.
 - c. Radio or television repair shop.
 - d. Dressmaking, millinery, or tailoring establishment.
 - e. Upholstering shop, not involving furniture manufacturing.
 - f. Plumbing and electrical shops.
 - g. Any other general service or repair establishment of similar character.
23. A shopping center or facility composed of any one or more of the foregoing uses or any combination thereof.

- 24. Accessory structures and uses.
- 25. Indoor urban farm.
- 26. Amusement (indoor and outdoor). Except when the property abuts residential zoned property located within the city, amusement (outdoor) is only allowed by special exception granted by the zoning board of adjustment.

(Ord. No. 07-33, § 2(2), 2-13-2007; Ord. No. 13-71, 5-7-2013; Ord. No. 13-141, § 2, 11-5-2013)

Subsection 3. *Area and dimensional regulations.* Except as provided in articles VI and VIII, the area and dimensional regulations set forth in the following table shall be observed:

Maximum Height of Structure [in] Feet	<i>Minimum Yards</i>			<i>Minimum Lot Area Per Family</i>	<i>Minimum Lot Width</i>
	Front	Rear	Side		
75 feet	None, except where the frontage between two intersecting streets is partly in an E or R district, the front yard requirements of the E or R district shall apply to the B district.	None, except on the rear of a lot abutting a dwelling district, in which case there shall be a rear yard of not less than 20 feet.	None, except on the side of a lot abutting a dwelling district, in which case there shall be a side yard of not less than 5 feet.	5,000 square feet for single-family dwellings.	50 feet, when lot is used solely for dwelling purposes, except that in attached and semi-attached dwellings the minimum lot width shall not be less than 16 feet.
				232.2576 square meters for two-family dwellings.	
				1,600 square feet for attached and semi-attached dwellings.	
				1,000 square feet for multiple dwellings.	

(Ord. No. 07-33, § 2(3), 2-13-2007)

Subsection 4. *Site development plan.*

1. Except for single-family and two-family dwellings, a site development plan is required in conjunction with all building permits for new construction and when a building or part thereof is enlarged or extended to at least 50 percent of its current floor area. At a minimum, the site development plan must show:
 - a. The direction of north, appropriate scale and existing and finished topography in not greater than two-foot contour intervals.
 - b. The proposed location including any easements that may exist on site and elevation drawings of all sides of each building prototype.
 - c. The use of all structures and premises.
 - d. The location of proposed driveways and marked off-street parking spaces.
 - e. The edge of pavement for existing and proposed streets, driveways and walkways.
 - f. All service and loading spaces as well as the location of solid waste containers. Also, provide enclosure details for large solid waste containers, including their access in compliance with article VI, section 5.
 - g. Location and areas of illumination of all exterior lighting.
 - h. The location, size, number and character of all exterior signs.
 - i. The location, character and extent of landscaping, retaining and screen walls and other treatment for the protection of adjoining property or fences, and other measures for screening or buffering views from incompatible land uses. This includes detailed landscaping plans for structures and parking areas. The landscaping plan shall include plant location, corresponding plant schedule and planting instructions. In addition to landscape requirements for off-street parking as specified in article V, landscaping of the remainder of the lot, exclusive of areas occupied by structures and parking, shall not be less than five percent. Said landscaping shall include a combination of shrubs, trees and ground cover.
 - j. Plans and facilities for stormwater drainage of the premises.
 - k. Any proposed re-subdivision of the subject property; when applicable.
2. Any proposed condominium must also conform to article VIII of the Birmingham Subdivision Regulations. The deed restrictions and covenants must show the treatment of all land held in common interest.

(Ord. No. 07-33, § 2(4), 2-13-2007)

Subsection 4 [5]. *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in article V.

(Ord. No. 07-33, § 2(4), 2-13-2007)

Subsection 5 [6]. *Other regulations.* Attached and semi-attached dwellings must comply with the requirements set forth in article VI, section 15.

(Ord. No. 07-33, § 2(5), 2-13-2007)