

ORDINANCE NO. 18-2365

An Ordinance to Amend the Zoning Ordinance of Hoover, Alabama

WHEREAS, the City Council of the City of Hoover, Alabama desires to amend various sections of the Zoning Ordinance of Hoover, Alabama (“Zoning Ordinance”) as set forth in Appendix I of the *Municipal Code of the City of Hoover, Alabama*; and

WHEREAS, the City’s Planning & Zoning Commission held a public hearing and considered this amendment at their regularly scheduled meeting on the 12th day of March, 2018 and recommended such amendment to the City Council for adoption.

NOW, THEREFORE BE IT HEREBY ORDAINED City Council of the City of Hoover, in regular meeting duly assembled, a quorum being present as follows:

SECTION 1. **Modification of the Zoning Ordinance of Hoover, Alabama.** Appendix I -- Zoning of the *Municipal Code of the City of Hoover, Alabama* is hereby amended as set forth below.

1. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 10.0. C-1 NEIGHBORHOOD SHOPPING DISTRICT, 10.3 - CONDITIONAL USES.**

Appendix I, Article VI, Section 10.0, 10.3 Conditional Uses is hereby amended by deleting Section 10.3 in its entirety as follows:

10.3. Conditional uses. Schools, where the type of school is compatible with nearby residential areas, churches, shopping centers and nursing homes, veterinary clinic, no outside kennels; off-premise sale of beer and wine, and independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 District.

and replacing Section 10.3 with the following:

10.3. Conditional uses. Schools, where the type of school is compatible with nearby residential areas, churches, shopping centers and nursing homes, veterinary clinic, no outside kennels; and independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 District.

2. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 10.0. C-1 NEIGHBORHOOD SHOPPING DISTRICT, 10.5 - PROHIBITED USES.**

Appendix I, Article VI, Section 10.0, 10.5 Prohibited Uses is hereby amended by deleting Section 10.5 in its entirety as follows:

10.5. Prohibited uses. Any wholesale establishment, any type of restaurant, any retail establishment which dispenses gasoline or requires outside storage of equipment, commodities or other materials not located within an enclosed service yard, on premise sale of alcoholic beverages, off-premise sale of liquor and live entertainment.

and replacing Section 10.5 with the following:

10.5. Prohibited uses. Any wholesale establishment, any type of restaurant, any retail establishment which dispenses gasoline or requires outside storage of equipment, commodities or other materials not located within an enclosed service yard, off-premise sale of liquor, and live entertainment.

3. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 11.0 C-2
COMMUNITY BUSINESS DISTRICT, 11.3 - CONDITIONAL
USES.**

Appendix I, Article VI, Section 11.0, 11.3 Conditional Uses is hereby amended by deleting Section 11.3 in its entirety as follows:

11.3. *Conditional uses.* Shopping centers, hospitals, self-service storage facilities, uses listed in section 12.2(B) of the General Business District, commercial recreation and amusement facilities, on and off-premise sale of alcoholic beverages, live entertainment, churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 district, bakery which contains a restaurant that serves goods baked on the premises, retail nurseries, garden centers and other retail establishments wherein the retail sale of plant material is the primary use of the premises, but which also provide landscaping installation and/or maintenance services or wholesale distribution of plant materials as a secondary use of the premises, used motor vehicle sales establishment.

and replacing Section 11.3 with the following:

11.3. *Conditional uses.* Shopping centers, hospitals, self-service storage facilities, uses listed in section 12.2(B) of the General Business District, commercial recreation and amusement facilities, live entertainment, churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 district, bakery which contains a restaurant that serves goods baked on the premises, retail nurseries, garden centers and other retail establishments wherein the retail sale of plant material is the primary use of the premises,

but which also provide landscaping installation and/or maintenance services or wholesale distribution of plant materials as a secondary use of the premises, used motor vehicle sales establishment, and off premise liquor sales, subject to Art. VIII Sec. 11.

4. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 12.0 C-3
GENERAL BUSINESS DISTRICT, 12.3 - CONDITIONAL USES.**

Appendix I, Article VI, Section 12.0, 12.3 Conditional Uses is hereby amended by deleting Section 12.3 in its entirety as follows:

12.3. *Conditional uses.* Shopping centers, hospitals, self-service storage facilities, commercial recreation and amusement facilities, off-premise sale of alcoholic beverages, churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 district.

and replacing Section 12.3 with the following:

12.3. *Conditional uses.* Shopping centers, hospitals, self-service storage facilities, commercial recreation and amusement facilities, churches and schools, independent living facilities and assisted living facilities, subject to the area and dimensional regulations of the R-4 district, and off premise liquor sales, subject to Art. VIII Sec. 11.

5. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 12.0 C-3
GENERAL BUSINESS DISTRICT, 12.5 - PROHIBITED USES.**

Appendix I, Article VI, Section 12.0, 12.5 Prohibited Uses is hereby amended by deleting Section 12.5 in its entirety as follows:

12.5. *Prohibited uses.* Any wholesale establishment, any industrial, manufacturing, storage or other uses not in accordance with the intent of this district, including but not limited to uses listed in sections 14.2(B) and 14.3 of the Light Industrial District; on-premise sale of alcoholic beverages and live entertainment.

and replacing Section 12.5 with the following:

12.5. *Prohibited uses.* Any wholesale establishment, any industrial, manufacturing, storage or other uses not in accordance with the intent of this district, including but not limited to uses listed in sections 14.2(B) and 14.3 of the Light Industrial District; and live entertainment.

6. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 17.0 MIXED USE DISTRICT (MXD), 17.3 - CONDITIONAL USES.**

Appendix I, Article VI, Section 17.0, 17.3 Conditional Uses is hereby amended by deleting Section 17.3 in its entirety as follows:

17.3. *Conditional uses.* Sale of alcoholic beverages and live entertainment.

and replacing Section 17.3 with the following:

17.3 *Conditional uses.* Live entertainment.

7. **REVISION TO APPENDIX I, ARTICLE XII, SECTION 4.0 PUD LAND USE DISTRICTS, D. PLANNED COMMERCIAL (PC), D(3) - CONDITIONAL USES**

Appendix I, Article XII, Section 4.0, D(3) Conditional Uses is hereby amended by deleting Section 4.0 D(3) in its entirety as follows:

3. *Conditional uses.* Those principal and conditional uses allowed by PO, except attached single-family dwelling, duplexes, and accessory structures; commercial and recreation and amusement facilities; on-premise and off-premise sale of alcoholic beverages, including private clubs, live entertainment, liquor stores and lounges; self-service storage facilities; mixed use development, which may include any combination of permitted and conditional uses in the PR-1, PR-2, PO and PC districts; and other uses as may be approved by the planning and zoning commission and city council. A building which is more than five hundred (500) feet from a single-family residential district boundary may exceed ten (10) stories in height upon approval as a conditional use.

and replacing Section 4.0 D(3) with the following:

3. *Conditional uses.* Those principal and conditional uses allowed by PO, except attached single-family dwelling, duplexes, and accessory structures; commercial and recreation and amusement facilities; private clubs, live entertainment, liquor stores and lounges; self-service storage facilities; mixed use development, which may include any combination of permitted and conditional uses in the PR-1, PR-2, PO and PC districts; and other uses as may be approved by the planning and zoning commission and city council. A building which is more than five hundred (500) feet from a single-family residential district boundary may exceed ten

(10) stories in height upon approval as a conditional use.

8. **REVISION TO APPENDIX I, ARTICLE VIII. SPECIAL USE REGULATIONS, SECTION 13.0.**

Appendix I, Article VIII, Section 13.0 is hereby added as follows:

Sec. 13.0 – On-premise sales of alcohol as accessory use.

In addition to all other regulations and restrictions, no facility or property in the City may be authorized for the sale of alcoholic beverages for consumption on the premises, except for the following:

- (1) Restaurants licensed to sell alcoholic beverages for on-premises consumption;
- (2) Food service restaurants licensed to sell alcoholic beverages for on-premises consumption;
- (3) Hotels;
- (4) Merchandise store with incidental table wine sales;
- (5) Persons holding a special event retail license for on-premises consumption; and
- (6) An establishment holding a club liquor license from the state alcoholic beverage control board.

9. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 10.0. C-1 NEIGHBORHOOD SHOPPING DISTRICT, 10.2**

Appendix I, Article VI, Section 10.0, 10.2 Permitted principal uses is hereby amended by deleting 10.2 in its entirety as follows:

10.2. *Permitted principal uses.* All principal permitted uses in District C-P, plus barber or beauty shops; banks; convenience stores; drug stores; dry cleaning outlets; coin-operated laundromats; day-care nurseries; grocery stores, catering restaurants where food is not cooked with a fire which emits smoke outside the building, food service restaurants and other neighborhood service facilities.

and replacing it with the following:

10.2. *Permitted principal uses; Permitted Accessory Uses.* All principal permitted uses in District C-P, plus barber or beauty shops; banks; convenience stores; drug stores; dry cleaning outlets; coin-operated laundromats; day-care nurseries; grocery stores, catering restaurants where food is not cooked with a fire which emits smoke outside the building, food service restaurants and other neighborhood service facilities. Permitted accessory uses

such as Off-premise beer and wine, subject to Article VIII, Sec. 12.0, and On-premise alcohol, subject to Article VIII, Sec. 13.0.

10. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 11.0 C-2
COMMUNITY BUSINESS DISTRICT**

Appendix I, Article VI, Section 11.0, 11.2 Permitted principal uses is hereby amended by deleting 11.2 in its entirety as follows:

11.2. *Permitted principal uses.* Any permitted principal use in the C-P and C-1 districts, plus automobile dealerships, auto parts store, bakery which bakes goods for on-premise retail sale only, building material sales-no outside lumber yard, department stores, domestic equipment rental, furniture stores, grocery stores, main bank, motels and hotels, motion picture theatre, all types of restaurants, veterinary clinic-no outside kennels, nursing home, other retail stores deemed appropriate by the city.

and replacing it with the following:

11.2. *Permitted principal uses; Permitted Accessory Uses.* Any permitted principal use in the C-P and C-1 districts, plus automobile dealerships, auto parts store, bakery which bakes goods for on-premise retail sale only, building material sales-no outside lumber yard, department stores, domestic equipment rental, furniture stores, grocery stores, main bank, motels and hotels, motion picture theatre, all types of restaurants, veterinary clinic-no outside kennels, nursing home, other retail stores deemed appropriate by the city. Permitted accessory uses such as Off-premise beer and wine, subject to Article VIII, Sec. 12.0, and On-premise alcohol, subject to Article VIII, Sec. 13.0.

11. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 12.0 C-3
GENERAL BUSINESS DISTRICT**

Appendix I, Article VI, Section 12.0, 12.2 Permitted principal uses is hereby amended by deleting 12.2 in its entirety as follows:

12.2. *Permitted principal uses. Permitted principal uses.*

A. Permitted principal uses of the C-P, C-1 and C-2 Districts, plus:

B. Gasoline service station, car wash, and other retail and minor repair establishments which serve automotive functions such as muffler, tire, battery, brake and transmission shops.

and replacing it with the following:

12.2. *Permitted principal uses; Permitted Accessory Uses.* Permitted principal uses of the C-P, C-1 and C-2 Districts, plus gasoline service station, car wash, and other retail and minor repair establishments which serve automotive functions such as muffler, tire, battery, brake and transmission shops. Permitted accessory uses such as Off-premise beer and wine, subject to Article VIII, Sec. 12.0, and On-premise alcohol, subject to Article VIII, Sec. 13.0.

12. **REVISION TO APPENDIX I, ARTICLE VI, SECTION 17.0 MIXED USE DISTRICT (MXD)**

Appendix I, Article VI, Section 17.0, 17.2 Permitted principal uses is hereby amended by deleting 17.2 in its entirety as follows:

17.2. *Permitted uses.* Commercial, office, institution, and residential uses that are mixed horizontally and vertically on the site, and open space.

and replacing it with the following:

17.2. *Permitted uses; Permitted Accessory Uses.* Permitted uses such as commercial, office, institution, and residential uses that are mixed horizontally and vertically on the site, and open space. Permitted accessory uses such as Off-premise beer and wine, subject to Article VIII, Sec. 12.0, and On-premise alcohol, subject to Article VIII, Sec. 13.0.

13. **REVISION TO APPENDIX I, ARTICLE XII, SEC. 4.0 PUD LAND USE DISTRICTS, D - PLANNED COMMERCIAL (PC)**

Appendix I, Article XII, Section 4.0, D.2. Permitted principal uses is hereby amended by deleting D.2. in its entirety as follows:

2. *Permitted principal uses.* Those principal uses allowed by PO; plus retail establishments, including but not limited to barber or beauty shops; banks, convenience stores; drug stores; dry cleaning outlets; coin-operated laundromats; day care or nurseries; grocery stores; neighborhood service facilities; schools; shopping centers; nursing homes; veterinary clinics (no outside kennels); auto dealerships; auto parts stores; bakery which bakes goods for on-premise retail sale only; building material sales—no outside lumber yard; all types of restaurants; department stores; radio and TV stations (no antennas); domestic equipment rental; furniture stores; motels or hotels; motion picture theatres; hospitals; gasoline

service establishments which serve auto functions such as muffler, tire, battery, brake and transmission shops.
and replacing it with the following:

2. *Permitted principal uses; Permitted Accessory Uses.* Those principal uses allowed by PO; plus retail establishments, including but not limited to barber or beauty shops; banks, convenience stores; drug stores; dry cleaning outlets; coin-operated laundromats; day care or nurseries; grocery stores; neighborhood service facilities; schools; shopping centers; nursing homes; veterinary clinics (no outside kennels); auto dealerships; auto parts stores; bakery which bakes goods for on-premise retail sale only; building material sales—no outside lumber yard; all types of restaurants; department stores; radio and TV stations (no antennas); domestic equipment rental; furniture stores; motels or hotels; motion picture theatres; hospitals; gasoline service establishments which serve auto functions such as muffler, tire, battery, brake and transmission shops. Permitted accessory uses such as Off-premise beer and wine, subject to Article VIII, Sec. 12.0, and On-premise alcohol, subject to Article VIII, Sec. 13.0.

Section 2. **Repeal.** All ordinances, parts of ordinances, and resolutions in conflict herewith are hereby repealed.

Section 3. **Severability.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Hoover hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. **Legal Rights Not Impaired.** That nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. **Ordinance Cumulative; Compatibility with other Regulations.** This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law except as set forth herein. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 6. Publication of Ordinance. That the City Clerk of the City of Hoover is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

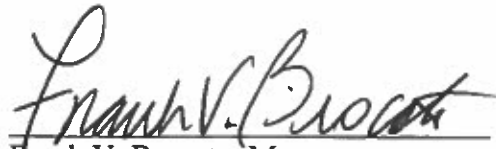
Section 7. Effective Date of Ordinance. That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT RESOLVED, that the City Council of the City of Hoover does hereby ordain, resolve, and enact the foregoing Ordinance for the City of Hoover.

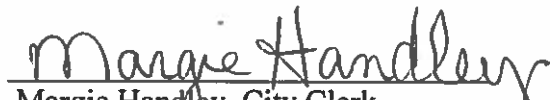
Done this the 16th day of April, 2018.


John Greene, City Council President Pro-Tem

APPROVED:


Frank V. Brocato, Mayor

ATTESTED:


Margie Handley, City Clerk