

HEART OF HOMEWOOD

DOWNTOWN ZONING CODE UPDATE

INTRODUCTION TO THE DRAFT DOWNTOWN HOMEWOOD CODE

COMMUNITY INPUT

(Comments marked 1 below)

Tuesday, April 23, 2019

11:30am – 1pm and 5 – 6:30pm

Plus April 23 – May 27: Public input online
to draft one via HeartOfHomewoodPlan.com

CITY COUNCIL, PLANNING COMMISSION, AND STAFF WORK SESSION

(Comments marked 2 below)

Wednesday, April 24, 2019

9 – 11:30am

DOWNTOWN PROPERTY OWNERS, DEVELOPERS, HOMEWOOD CHAMBER OF COMMERCE, ARCHITECTS, AND BUILDERS WORK SESSIONS

(Comments marked 3 below)

Wednesday, April 24, 2019

1 – 2:30pm and 3 – 4:30pm

IMPLEMENTING THE ADOPTED HEART OF HOMEWOOD PLAN

“The people of Homewood envision a pedestrian-friendly downtown, which includes mixed-used development, at a range of scales, activated public spaces, and improved physical connections between the surrounding residential areas and the 18th Street commercial core. The vision reinforces the existing retail core areas and public spaces by organizing new mixed-use development and streetscape amenities around those areas. It respects the surrounding residential neighborhoods by “stair-stepping” or decreasing new development intensity away from the downtown core. The vision includes providing additional residential options where opportunities exist to blend residential, commercial or office uses, such as live/ work units. It also calls for streetscape improvements, including landscape, façade and signage updates.” ~Heart of Homewood Plan, adopted October 2018

Overall, the community wants to ensure that the character and scale of future development complements existing uses so that downtown Homewood continues to prosper as an economically competitive engine supporting a prosperous city. The Homewood community has already done the hard work of developing a collective local vision, and now is the time to enable that with a zoning code update. The following notes are a summary of presentation highlights, followed by community questions and suggested edits.

PROJECT TIMELINE

The Homewood Downtown Code draft one has been released to the public for critique. The code is designed to help implement the Heart of Homewood Plan, adopted in October 2018. During April 2019, the consultant team of the Regional Planning Commission of Greater Birmingham and PlaceMakers, LLC, presented the draft code, collected community edits, and answered questions about how the code will operate. The team met with members of the Homewood community, downtown property owners, developers, builders, architects, the Chamber of Commerce, City Council, Planning Commission, and city staff for extensive working sessions.

For anyone who was unable to make these sessions, or for anyone who would like to submit additional edits for consideration, the comment period to draft one of the downtown code is available via the project website, HeartOfHomewoodPlan.com, from April 25 through May 27, 2019. After this timeframe, the consultant team will prepare a final draft and host work sessions on June 27, to receive edits to the final draft of the code from the community, City Council, and the Planning Commission. After this final round of inputs, the consultant team will complete final edits and the City will pursue publication and public hearings. Consideration for adoption is expected in September.



April 23: Community Working Sessions: 11:30am & 5pm

April 24: City Council, Planning Commission, city staff working session

April 24: Downtown Property Owners, Developers, Chamber of Commerce, Architects, and Builders: 1pm & 3pm

April 23 – May 27: Public input online to draft one via HeartOfHomewoodPlan.com

June 27: Community Working Session: 12pm & 5:30pm

June 27: City Council, Planning Commission, city staff working session

June 27 – July 31: Public input online to draft two via HeartOfHomewoodPlan.com

Sept. 20: Estimated completion of final draft is Sept. 20, 2019. This could be shorter or longer based on feedback time required by the City.

TODAY'S DOWNTOWN ZONING

Downtown has 6 commercial districts today. Mixed-use (MXD) requires a negotiated plan and functions as a planned unit development (PUD).

Some residential, commercial, institutional and manufacturing parcels do not change zoning districts in the draft downtown zoning map.

PROPOSED INTENSITY ZONES, AS DIRECTED BY HEART OF HOMEWOOD PLAN

A-street / B-street: The dashed yellow line on the proposed zoning map marks the A-street, that prioritize people on foot. The rest of the streets are B-streets, that prioritize people in cars. Different zoning rules apply for the two types of streets. On the A-streets, the buildings shape the public realm with a street wall, creating the feeling of an outdoor room with parking always behind the building or on-street. On the B-streets, some parking lots may be visible from the street, beside a 40' or 50' building at the setback, depending on the intensity zone.

Low Intensity Zone: Single-family, duplex, tri-plex, townhouses, office, retail, restaurants, some services, and some institutional provide an edge to residential parcels.

Question: The commercial areas along the north end of 18th Street and Central Avenue are assigned the LI zone, but the setbacks reflect the residential buildings along Linden and Crescent. Can we change the setbacks to reflect a more urban condition, particularly since many of the properties in the Linden/Crescent/Reese area are difficult to develop with large setbacks on the hilly topography? (3)

Edit: The consultant team edited the setbacks in LI to accommodate both urban mixed-use buildings and single-family buildings.

Medium Intensity Zone: Duplex, tri-plex, townhouses, multi-family, small hotels, office, retail, restaurants, services, some institutional generally provide a transition between LI and HI. The DNA of the Medium Intensity (MI) Zone is modeled on today's pedestrian friendly 18th Street, as an authentic main street.

High Intensity Zone: Multi-family, hotels, office, retail, restaurants, services, institutional provide the core of the town center. The DNA of the High Intensity (HI) Zone is modeled on SoHo, Aloft, and the most robust urbanism here.

Question: Can we require ground floor commercial uses for the HI district to assure we do not get a 5-story apartment building? (2)

Action: The consultant team discussed with the downtown business and development community, and this was the response:

Question: Residential development is 95% of the work that is currently being financed. We are not being realistic about the value added to our city if we require commercial uses in residential buildings. Financing and delivering this quantity of mixed-use buildings is a challenge from a

development perspective. Please reconsider since residents are critical to the success of Downtown economy. (3)

Edit: The consultant team discussed with City Councilors representing downtown, who recommended that 25% of the ground floor per building be commercial facing A-streets only.

BUILDING HEIGHTS

Low Intensity: 3 stories maximum; no minimum

Question: We had a case before the Planning Commission this month located at the corner of 18th & 26th Ave S, this area is considered an entrance to The Rosedale Community. The residents were very concerned about the height being allowed for any new construction of buildings on this corner. This corner is currently zoned C-2 which allows a maximum height of 35' and with the future zoning change, it would allow 3 1/2 story (Medium Intensity District) in height. I would like to reiterate my suggestion of the 2 1/2 story Low Intensity District for the area from 26th Ave S and continuing north to the Homewood City Limits. I ask that you please take a look at this possible change in the future zoning, as this, somewhat, would be in keeping with the current zoning height. Is it just totally out of the question to bring that small area down to 2 1/2 which would keep it close to the C-2 current zoning? (1)

Edit: After discussion with some of the Planning Commissioners and downtown City Councilors, it was decided to change the Low Intensity district from 3 stories maximum to 2 stories maximum (with no minimum number of stories). This would still allow for 2.5 stories if there is a pitched roof.

Question: The north end of 18th Street and Central Avenue have the capacity to contribute to the Downtown fabric at the MI intensity level. It already has 35 feet of entitled height which could accommodate 3 stories. We suggest permitting three stories for all parcels fronting an A-street to accommodate the parcels that currently have this height entitlement. (3)

Answer: After discussion with some of the Planning Commissioners and downtown City Councilors, it was decided to leave the Low Intensity district at 2 stories maximum (with no minimum number of stories).

Medium Intensity: 4 stories; no minimum, except for the block of 18th St. between Reese St. and 28th Ave. is restricted to 3 stories maximum.

High Intensity: 5 stories, which matches the recent downtown construction like Aloft and SoHo and reduces the risk of litigation from down-zoning properties. The existing C4-b zoning category could potentially develop an 11-story building, with all of the density bonuses, per the current floor area ratios (FAR), but most lot sizes are not large enough to support this. Instead of the very unpredictable FAR, the proposed zoning standards will be more predictable, since it controls for heights and setbacks.

Question: What are other streets with similar intensities of 4 and 5 story buildings that would be enabled under similar rules to our draft downtown code? (1)

Answer: Oglethorpe Street in Savannah, Georgia; Main Street in Franklin, Tennessee; Downtown Huntsville, Alabama

Question: Can we protect 18th Street a little more for the historic portion? (1 & 2)

Edit: The Draft was edited to add a limitation to 3 story max. from Reese St. to 28th Ave. S.

Question: How can we remain competitive with Birmingham when we do not permit 4 over 2 construction? Six stories are critical to Downtown economic development. (3)

Answer: There is tremendous resistance from many residents to increased density. The City Council and Planning Commission support the current draft heights.

REGIONS BUILDING

While Regions Bank is an important and valued community member, many people react negatively to this building largely because of the scale and the architecture. While a zoning code cannot guarantee beauty, it will assure transparent glass at the first level, three stories shorter and no exposed parking lots at the street. Zoning codes are limited to governing health, safety and welfare and cannot address aesthetics.

PARKING

Current standards require parking on the magnitude of a suburban Walmart, which is not reflective of the park-once-and-walk nature of Downtown Homewood. Most historic downtowns do not require parking minimums because of superior walkability along with limited surface area.

Parking is already regulated by two entities: finance and market demand. These two set a high enough standard that cities do not have to be in the parking quota business. 18th Street's C-4a zoning district does not require onsite parking for ground floor uses today. All other C-4 zoning districts currently have parking standards that are suburban in requirements. In a recent study in conjunction with the Heart of Homewood Plan, the current structured parking at SoHo was found to 60% empty during the peak demand at lunchtimes.

Comment: Love the plan for 18th Street, especially near Highway 280.

Edit: Noted.

Comment: Concerning parking meters, if someone wants to park on 18th Street in front of stores, also on side streets and 29th Street, then pay for that option. Like Manhattan Beach, California - all spaces are metered and paid by credit card or app. This would discourage employees to park in front of these areas.

Answer: This comment is indeed best practice in downtown parking management but outside the scope of zoning.

PARKING STANDARDS

Elevating the quality of the parking experience without regulating the number of parking spaces is the goal of the draft parking standards.

Location – behind buildings, instead of in front

Landscape – trees bays to add shade and reduce the urban heat island

Pedestrian walkways – required if the parking lot is big enough

Drive-through locations – behind buildings to keep from degrading pedestrian streets

Access points – limited

Question: What happens to parking on the corner? (1)

Answer: This depends on if the street is an A-street (requires more building width) or a B-street (which only requires the building to be a certain distance from the corner). **A-street:** Parking must be setback a minimum of 30 ft. or placed behind a building. **B-street:** Parking must be setback a minimum of 10 ft. with screening.

Question: What happens to the parking if someone puts in a 4-story building? (1)

Answer: The financier and end-users will require that parking be provided. The City would govern parking placement and design standards. If the lot being developed is 100' x 120', it can surface park up to 4 stories with the adjacent on-street parking. If it is over 4 stories, it would need to add structured parking to meet standard market and financier demands.

Question: Can we put in parking meters to ensure employees do not park in front of businesses, or people who are not actively utilizing downtown, especially since technology is making physical individual parking space meters not required? There is some debate on this issue. (1 & 3)

Answer: Metered parking in a walkable environment is a best practice but outside of the scope of zoning. This is a parking management issue and should certainly be considered.

Question: Add in parking lot landscaping? (1)

Edit: Edited.

OPEN SPACE STANDARDS

The draft downtown code requires High Intensity developments over one acre in size to contribute to open space according in several ways: **Size** – 5% of the site area must be developed as open space or a fee in lieu may be paid toward improvements 5% of the site appraised land value. **Dimensions** – must be a minimum of 30' per side. **Location** – Pocket park must face street on at least one side. **Landscape** – 1/3 of area must be shaded; may be paved or landscaped or both.

Question: How does the City help craft where these new open spaces go? (1)

Edit: If the developer chooses to, they may pay into a greenspace fund that would go

toward downtown open space. 5% of the site area or appraised value fee in lieu would be used for streetscape improvements. Edit to specify these improvements be on A-streets or other streets within the HI District.

Question: Might the open space standards let small bits be developed but no larger areas? (1)

Edit: Will be incorporated in the implementation plan to encourage the payment into a fund, so that this impact fee can be used to develop a city-owned space.

Question: If I have a site smaller than 1 acre, do I have to build open space? (1)

Answer: No, except to provide street trees if your lot is over 30 feet wide.

Question: If paying into a fund, is this an annual fee or a one-time fee? (1)

Answer: The fee in lieu of building open space is a one-time fee.

Question: If I have 2 parcels that are a half-acre each that I am developing the property simultaneously together, do I still have to contribute 5% of my acreage to open space? (1)

Edit: Yes. Edit for clarity that lot consolidations must be calculation as the sum of the lots.

Question: The green space map seems to have some challenges based on past input. (1 & 2)

Edit: Replace map with language to prioritize streetscape improvements on A-streets or for new open space anywhere in HI.

Question: Are there any private open space requirements, for private spaces like balconies, rooftop gardens and terraces. (1)

Edit: Add private open space requirements for residential.

Question: Why is the funeral home not permitted? (1)

Edit: Added.

Question: The April 23 2019 plan doesn't go far enough. The lack of a set-back for a green space for new construction is such a mistake to me, because the new buildings on Hwy 31 are seriously ugly and don't provide soak-up for rainwater. For example, The Soho Hotel, would look so much better with just a small bit of green at eye level. Also, the Plan forgets that 200 small trees does NOT equal one large, beautiful tree. Also, a few square feet of grass can speak so loudly and eloquently to "green." As far as the new trees which are specified, the Homewood City Park and Recreation Dept. will soon girdle them with weed wackers and lawn mowers. Said department kills trees on a regular basis. Almost every single tree in Homewood Park is girdled. I have photos of damage. That's because there's no pine straw (acts as a barrier) in sight. Is this how they will care for the new trees? YES!!! is the answer. (Homewood needs to have a separate Landscaping Dept., run by a trained, up-to-date specialist with line/supervisory authority. That would be the

best "Tree Plan" for the city.) But, all this is moot. I believe that this new plan will adopted but never be fully implemented anyway, thanks to merchants X,Y, and Z. X says tree blocking his door, Y says people can't see his sign, and Z doesn't like trees, period. They will all get variances. I also note that there is no greenspace at the police station. Those longing for grass will be disappointed. Make it a park, please -- you can always "undo" it later, whereas you can't undo a building. Homewood used to be so beautiful -- when the small, pretty City Hall & Fire Station sat on the lovely green sloping hill. (1)

Answer: Zoning cannot address maintenance; that needs to be addressed at the staff level.

Question: Sidewalks - would like to require sidewalk installation if improving property / building over 50% (Homewood would need sidewalk plan for every street.) (1)

Answer: Sidewalks are required upon redevelopment per Table 9, Sidewalk Width.

Question: For Table 9, instead of n/a add in default standard from current zoning - 4ft but need to double-check? (1)

Edit: Added definition for pedestrian area to clarify that it is the entire sidewalk in LI.

Question: Please make requirements to Open Space more stringent - Apply to private / public and make it more challenging to buy ones way out. Once land is developed it is not replaceable. Add residential open space requirements. Add requirements for private green space for residential (e.g condos, apartments). Consider free in lieu to go towards a dedicated greenspace in the high intensity zone. (1)

Edit: Added Sec. L. (5) to require private open space. Allowing fee in lieu permits the city to consolidate funds and develop a well-designed park. Changed the green space allocation to the A-grid and the HI district.

Question: Can you define what "open space" means? Is there any requirement that this public open space have vegetation? If not, the open space is not really influencing the concern of many citizens, which is lack of trees and green within our community. (1)

Answer: This is addressed through the regulations of Table 12.

ARCHITECTURAL STYLE

The Homewood Downtown Code update establishes clear rules for new development in the downtown study area, according to the vision articulated by the Heart of Homewood Plan. However, the draft code does not control architectural style.

Question: May we write rules that govern architectural style? (1)

Answer: Zoning cannot deal with architectural styles legally, because architectural style does not affect health, safety or welfare. The City is legally allowed to write non-binding architectural design guidelines, but these guidelines are only as good as the design review

board or the town architect. Architectural design guidelines are not legally defensible since they are guidelines rather than standards and even the most objective guidelines are open to interpretation. However, the new zoning code will enable an urban form more in keeping with the character of Homewood. As an example, Park Avenue in Winter Park, Florida, is some of the least beautiful buildings architecturally, but the urbanism is so good that it is a delightful place.

Question: May we write rules that govern materials? (2)

Edit: Add approved materials list, based on the requirement of durability.

GENERAL COMMENTS

Question: How can we be flexible enough so that we have less variances? (1)

Edit: Add a waiver provisions for small adjustments that do not require a variance. Develop language for administrative waivers for applications within 10% or 20%?

Question: How will our collective questions be compiled? (1 + 2)

Answer: Comments will be received during the public meetings, working sessions, as well as online at HeartOfHomewoodPlan.com through Memorial Day, Monday, May 27, 2019. After the question period has closed, the consultant team will provide a frequently asked questions (FAQ) with responses to the questions.

Question: Based on PlaceMakers experience across the country, do you recommend hiring a Homewood City Planner? (2)

Edit: Yes, will provide input as part of an implementation plan.

Question: How did you calculate our glazing? (2)

Answer: By looking at local examples. For instance, historic 4-square elevations are often called, “five, four, and a door,” meaning five windows upstairs, four windows downstairs, and a door, which yields 15% glazing on the upper levels. Shopfronts have the highest glazing requirement, at 70%. The basic glazing requirements are crafted to eliminate blank walls and encourage walkability. Location of the glass calculations are under Sec. G Facades. The glazing is measured between 2’ and 10’ above the finished floor.

Question: For window signs, should neon in windows be limited in size? (2)

Edit: General window signs are restricted to 50% of the glazed area. Edit neon to be limited to 1’ tall by 2’ wide.

Question: In general, the reader might get confused when reading the tables in Section D before they get to Section G Development Standards. For example, many people might not know what glazing is, or minimum frontage buildout...and if they are defined before the tables that could

help? Or let's bring the Section M: Definitions to the front of the article and add in customized definitions that apply to this article... such as glazing, A-street, etc. (1)

Edit: Moved Sec. G. (1) to Sec. B (2) Discussed definitions and they will be left where they are pointing to the other sections of the code.

Question: For Table 1 diagrams: - Can they be in color? -Label A-street from B-street? -Add a legend next to the diagram and remind the reader what a, b, c, and d stand for such as: Legend:
(a) A-street building setback
(b) B-street building setback
(c) Side property line
(d) Rear property line. (1)

Edit: Edited.

Question: I am sure that people who commented on 'mixed use' imagined a downtowns where businesses mixed with residences, sort of like it is now. However, what I am pretty sure respondents did not imagine was 8-10 square blocks of high-rise (3 to 5 story buildings) where we currently have 1-2 story businesses mixed with historic bungalows. Why are we opening ourselves up to the possibility of a 10 block high-rise situation? We have historic buildings in this area... any protections for them? I do not want my downtown to turn into a sea of 3-5 story buildings. This is a small town, not the heart of a million+ people City. There's nothing 'quaint' about a sea of 3-5 story buildings. In addition, over 400 residents got together to support a large green space in the heart of downtown. For whatever reason our city officials have decided to totally ignore us related to this initiative. At the presentation provided to our community about this rezoning the lead consultant called green space a 'FINANCIAL BURDEN'. I am pretty sure this is how our city officials feel about green space and I have heard that our city has told consultants to take out any language related to green space in the downtown plans. I find this lack of response to the citizens of Homewood as insulting and unacceptable. I believe that, while Green Space is certainly a cost to maintain, it is also what is currently lacking in downtown. All restaurants, businesses and residents of downtown would benefit from a place to be in nature, eat lunch on a green lawn, allow kids to run around, sit in the shade and take a break from the concrete that IS OUR DOWNTOWN. People would gather and stay longer. There would be a place to gather and have community time instead of just drive in and drive out. Planting a few more trees on the street and large businesses providing a small courtyard hidden somewhere does not meet this need for our downtown community. Community leaders need to respond to the citizens regarding their silence and apparent decision to ignore citizen desires. (1)

Edit: The current zoning map intends to not materially downzone property owner rights. Should an alternative be recommended, development rights would need to be purchased by the city. The zoning map attempts to moderate between the community's desire for lower heights and the current zoning entitlements that are legally entitled.

Question: reader doesn't know what an A-street versus a B-street is until they get to Section G.1. (1)

Edit: Moved Sec. G. (1) to Sec. B (2) Discussed definitions and they will be left where they are pointing to the other sections of the code.

Question: Figure 2 is unclear... maybe easier if the tree and awning were side-by-side... as if looking at the awning straight on rather than street cross-section view? (1)

Edit: Deleted Figure 2.

Question: Figure 3 what does this side have the (a) in front of "Frontage Buildout?" (1)

Edit: Edited.

Question: Figure 4: balcony is not defined in this table. (1)

Edit: Agreed not to include balcony.

Question: Table 5: Automotive service and repair. R in LI and MI. There is a possibility of one of the auto repair shops on 18th being relocated to an area behind it that we are showing MI. Funeral home...X in HI. Veterinary clinic P in LI and X in HI. Elementary school. What about a private school or Montessori school? Define as a number of students in the school rather than a class range? Or I guess you define an elementary school in Table 6 as no larger than 5 acres. R in LI and MI. (1)

Edit: Edited. Collapsed as many similar uses as possible into current draft to facilitate flexibility in a changing marketplace.

ZONING MAP

Question: What if my property is not rezoned to an intensity zone, but I want it to be? In particular. (3)

Edits to the zoning map are being considered, as this is a first draft, provided it is context sensitive to its surroundings. Submit your request in writing for consideration to Lindsay Puckett, lpuckett@rpcgb.org.

Question: Why are the two lots on the west zoned Neighborhood Preservation (NPD)? Can it be changed to LI? (1 & 3)

Answer: These two lots are owned by the County. City Councilors reaffirmed the Heart of Homewood Plan decision that all residentially-zoned lots abutting Rosedale will remain as they are, to protect the surrounding community.

Question: Replace "Low intensity Downtown fabric" with "The LI Downtown Low Intensity district is." Replace "Medium intensity Downtown fabric reflecting" with "The MI Downtown Medium Intensity district is intended to reflect." Replace "High intensity Downtown fabric" with "The HI Downtown High Intensity district is." Replace zoning map with updated version from RPCGB. Some property owners would like to change the zoning from C-4 to LI, to help with downtown character. (1)

Edit: The changes were incorporated into the updated Zoning Map.

Question: We had a case before the Planning Commission this month located at the corner of 18th & 26th Ave S, this area is considered an entrance to The Rosedale Community. The residents were very concerned about the height being allowed for any new construction of buildings on this corner. This corner is currently zoned C-2 which allows a maximum height of 35' and with the future zoning change, it would allow 3 1/2 story (Medium Intensity District) in height. I would like to reiterate my suggestion of the 2 1/2 story Low Intensity District for the area from 26th Ave S and continuing north to the Homewood City Limits. I ask that you please take a look at this possible change in the future zoning, as this, somewhat, would be in keeping with the current zoning height. Is it just totally out of the question to bring that small area down to 2 1/2 which would keep it close to the C-2 current zoning? (1)

Edit: After discussion with some of the Planning Commissioners and downtown City Councilors, it was decided to change the Low Intensity district from 3 stories maximum to 2 stories maximum (with no minimum number of stories). This would still allow for 2.5 stories if there is a pitched roof.

Question: I concur with the recommendations to make the parcels fronting Highway 31 (including the corner of Hwy 31 and 28th Avenue) medium density as these parcels are across from (and visible from) a residential neighborhood. (1)

Edit: Recorded.

Question: Table 10: can you illustrate the types of signs? Confusing to use symbols. Maybe just Xs? (1)

Edit: Edited. Changed to P and X like Table 5.

Question: Sec. N.3 can you better define what S, R, A and X mean? (1)

Edit: Edited, adding subsections elaborating.

Question: Table 12: please add shading to the rows to help read it better. Legend is hidden. (1)

Edit: Edited, adding column and row shading throughout document. Edited legend.