

ORDINANCE NO. 2026 - 20

TO AMEND THE CITY OF CULLMAN ZONING ORDINANCE

SECTION I. PURPOSE. The purpose of this Ordinance is to modify, amend, or delete portions of the current Zoning Ordinance.

SECTION II. The following section of the City of Cullman Zoning Ordinance, Chapter 62, "Zoning," Section 32, "Lots, yards and open spaces," of the *Code of Ordinances City of Cullman, Alabama*, is hereby deleted in its entirety and amended and replaced as follows:

Sec. 62-32. Lots, yards and open spaces.

- (a) No part of a yard or other open space required about any structure may be included as part of a yard or open space required for another structure.
- (b) No lot, yard, building site or open space may be reduced in area so that the lot, building site, yards or open spaces are less than the minimum required by the ordinance from which this chapter is derived. All yards, lots, building sites and open spaces created after the effective date of the ordinance from which this chapter is derived must meet the minimum requirements of this chapter.
- (c) Every structure, other than an accessory structure, erected, altered, used or occupied must have its own separate building site.
- (d) Exceptions and modifications.
 - (1) Where a lot of records do not conform to the requirements of the applicable district, the lot may nonetheless be used as a building site upon approval by the Building Official so long as they conform as closely as possible to the requirements of the district.
 - (2) The front yard setback may be reduced to the average front yard setback of existing buildings within 100 feet of a lot on the same block face and in the same district when the average is less than that required by the district. This is determined by the building official, who may refer to the commission for its consideration.
 - (3) On a corner lot nothing may be erected, placed, planted, or allowed to grow in such a manner that will obstruct a motorist's line of sight in accordance with AASHTO Geometric Design of Highways and Streets, latest addition.
 - (4) On any lot which, as of the effective date of the ordinance from which this chapter is derived, may be reduced in area by widening a public street to a future street line as indicated on the major street plan, the minimum required setbacks, lot areas, lot width and the maximum building area are measured by considering the future street lines as the lot lines of the lot.
- (e) **REPORTING.** All determinations by the Building Official shall be reported to the Council at the next council meeting following said determination(s).
- (f) **NOTICE.** The Building Department shall notify all Adjacent Property Owners upon application of the Property Owner for approval of a non-conforming use. Adjacent Property Owners are defined as any property contiguous to the subject property, including properties directly across from said subject property. Said notice shall be given by certified mail or hand delivery within seven (7) business days from the submission of the application. The Building Official shall notify the Property Owner and Adjacent Property Owner of decisions regarding applications for non-conforming use. Said notice shall be given by certified mail or hand delivery within seven (7) business days of the decision.
- (g) **APPEAL.** The Property Owner shall have the right to appeal any decision of the Building Official. Said appeal shall be made in accordance with Ordinance 2-380, Ordinance 2-381 and Ordinance 62-181 et. seq. Any Adjacent Property Owner shall have the right to appeal any decision of the Building Official decision within fourteen (14) days of said decision and shall be in accordance with Ordinance 2-380, Ordinance 2-381, and Ordinance 62-181 et. seq.

SECTION III. SEVERABILITY CLAUSE. Each and every provision of this Ordinance is hereby declared to be an independent provision and that holding of any provision hereof to be void and invalid for any reason shall not affect any other provision hereof and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provision which might have been held invalid. This Ordinance repeals any prior Ordinance in conflict therewith.

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective following its passage by the council, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 9th day of March, 2026.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 9th day of March, 2026.

Mayor