

ORDINANCE NO. 2026 - 21
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 163, "Nonconforming Lots," of the *Code of Ordinances City of Cullman, Alabama*, is hereby deleted in its entirety and replaced as follows:

Sec. 62-163. Nonconforming lots.

(a) *Vacant lots.* If the owner of a nonconforming vacant lot owns adjoining land that may be combined with it in order to comply with the requirements of this chapter, the lots may be combined before the city issues a building permit or any approval required by this chapter for development of the lots.

If the owner of a nonconforming vacant lot of record does not own sufficient adjoining land to enable compliance with the area and dimensional requirements of this chapter, one building and its accessory structures may be built provided they conform as closely as possible, **as determined by the Building Official**, to the requirements of the applicable district, and further provided that no side yard, where required to be greater than five feet, may be reduced to less than five feet.

(b) *Occupied lots.* Where multiple dwellings existed on one lot in the R-1 or R-2 District, on the effective date of April 8th, 1982, the owner may apply for a variance to subdivide the lot, so that each dwelling may be on its own lot, though the resulting lots may be smaller than required by this chapter. If a dwelling on such a lot is destroyed by fire or natural disaster, it may be rebuilt provided it conforms as closely as possible, **as determined by the Building Official**, to the district requirements.

(c) **REPORTING.** All determinations by the Building Official shall be reported to the Council at the next council meeting following said determination(s).

(d) **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.

(e) **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