

ORDINANCE NO. 2023 - 29

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 definitions are hereby added to Chapter 62, “Zoning,” Section 23, “Definitions,” of the *Code of Ordinances City of Cullman, Alabama*, as follows:

Manufacturer; Alcoholic Beverages-- means any person, association or corporation engaged in the producing, bottling, manufacturing, distilling, rectifying or compounding of alcoholic beverages, liquor, beer or wine in this state for the sale or distribution in this state or other states according to its laws and regulations, to the ABC board or a licensee of the ABC board.

SECTION III. Table 5-1: Uses Permitted in Nonresidential Districts (Article V) of Section 62 of the *Code of Ordinances City of Cullman, Alabama*, is hereby deleted in its entirety and replaced with the following:

| Table 5-1: Uses Permitted in Nonresidential Districts | | | | | | | | |
|---|-----|-----|-----|-----|------|-----|------|-----|
| <p>P —The use is permitted by right.</p> <p>E —The use is permitted by right, if existing as of the effective date of the ordinance from which this chapter is derived. New construction of the use is prohibited.</p> <p>SE —Special exception, requires approval by the ZBA per section 62-184.</p> <p>C —Conditional use, requires approval by the commission per section 62-172.</p> <p>A blank cell indicates the use is prohibited in the district.</p> | | | | | | | | |
| Uses | B-1 | B-2 | B-3 | CBD | INST | M-1 | M-1P | M-2 |
| Commercial Uses | | | | | | | | |
| Ambulance service | P | P | P | C | | | | |
| Alternative financial service (with no outdoor storage), see section 62-91 | P | P | P | P | | | | |
| Alternative financial service (with outdoor storage), see section 62-91 | | P | P | | | | | |
| Automobile repair, major | C | P | P | | | | | |
| Automobile repair, minor | P | P | P | P | | | | |
| Business or professional office | P | P | P | P | | | | |
| Business support service | P | P | P | P | | | | |
| Car wash | | | C | | | | | |
| Construction service, major | | P | P | | | C | C | C |
| Construction service, minor | | P | P | | | C | C | C |
| Dispensing Site | | C | C | C | | | | |
| Event Venue | C | P | P | P | | | | |
| Farm support business | C | P | P | | | | | |
| Funeral home | C | P | P | C | C | | | |
| Gym | C | P | P | P | | | | |

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|---|---|---|---|---|---|---|---|---|
| Home occupation | P | P | P | P | | | | |
| Kennel | C | C | C | | | | | |
| Maintenance service | C | P | P | | | | | |
| Medical clinic | P | P | P | P | C | | | |
| Mini-storage facility | | C | C | | | | | |
| Outdoor storage | | | C | | | P | P | P |
| Parking, commercial | P | P | P | P | C | P | | P |
| Pawn shop | P | P | P | P | | | | |
| Printing service | P | P | P | P | | | | |
| Repair service | | P | P | P | | | | |
| Research laboratory | C | P | P | P | | P | P | P |
| School, commercial | | P | P | P | C | | | |
| Studio | P | P | P | P | | | | |
| Truck stop | | | C | | | | | |
| Wholesaling, beer or wine | | | P | | | P | P | P |
| Wholesaling establishment | | P | P | P | | | | |
| Day Care Facilities | | | | | | | | |
| Child or adult day care center | P | P | P | P | P | | | |
| Child day care center accessory to a permitted business | P | P | P | P | P | P | P | P |
| Adult day care home | P | | | | | | | |
| Child day care group home | P | | | | | | | |
| Child day care home | P | | | | | | | |
| Institutional Use | | | | | | | | |
| Low intensity | P | P | C | P | P | C | C | C |
| Medium intensity | P | C | C | C | P | C | C | C |
| High intensity | C | C | C | C | P | C | C | C |
| Place of Worship | P | P | P | P | C | C | C | C |
| Animal shelter | | | C | | C | | | |
| Cemetery | | C | C | | C | | | |
| Hospital | | C | C | C | C | | | |
| Lodging Uses | | | | | | | | |
| Bed and breakfast, subject to section 62-95 | P | | | P | | | | |
| Hotel | | P | P | P | | | | |
| Motel | | P | P | | | | | |

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|---|---|---|---|---|---|---|---|---|
| Short-term rental, subject to section 62-103 | P | P | P | P | | | | |
| Manufacturing and Industrial Uses | | | | | | | | |
| Bakery, major | | | | | | P | P | P |
| Heavy industry | | | | | | C | C | C |
| Industrial training center | | | | | | C | C | C |
| Junkyard, subject to section 62-100 | | C | C | | | | | |
| Laundering plant | | | | | | C | C | C |
| Manufacturing, general | | | | | | C | C | C |
| Manufacturer; Alcoholic Beverages | | | | C | | P | P | P |
| Manufacturing, light | | | | | | P | P | P |
| Recycling center | | C | C | | | | | |
| Recycling plant | | | | | | C | C | C |
| Warehousing and distribution center | | | | | | P | P | P |
| Personal Services | | | | | | | | |
| Laundry services | P | P | P | P | | | | |
| Personal services | P | P | P | P | | | | |
| Tattoo facilities, subject to section 62-104 | | | P | | | | | |
| Veterinary hospital, with no outside boarding | C | P | P | C | | | | |
| Recreation and Entertainment | | | | | | | | |
| Entertainment, indoor | P | P | P | P | | | | |
| Entertainment, outdoor | C | C | C | C | | | | |
| Golf course | P | P | P | | | | | |
| Parks, playgrounds and nature preserves | P | P | P | P | P | | | |
| Recreation, commercial | C | C | C | C | | | | |
| Recreation facility, public | C | C | C | C | C | | | |
| Residential Care Facilities | | | | | | | | |
| Assisted living facility | P | P | P | | C | | | |
| Independent living facility | P | P | P | | | | | |
| Nursing care facility | P | P | P | | P | | | |
| Residential Uses | | | | | | | | |
| Caretaker dwelling | C | C | C | C | | | | |
| Duplex | E | E | E | E | | E | | E |
| Multifamily dwellings (more than 4 units per bldg.) | C | C | C | C | | | | |
| Quadplex | E | E | E | E | | E | | E |

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|---|---|---|---|---|---|---|---|---|
| Single-family attached, subject to section 62-93 | E | E | E | E | | E | | E |
| Single-family detached | E | E | E | E | | E | | E |
| Triplex | E | E | E | E | | E | | E |
| Upper-story dwellings, subject to section 62-106 | P | P | P | P | | | | |
| Restaurant | | | | | | | | |
| Brew pub, see chapter 4, City Code, Alcoholic Beverages | | | | P | | | | |
| Fast food restaurant | P | P | P | C | | | | |
| Pick-up and delivery only restaurant | P | P | P | P | | | | |
| Standard restaurant | P | P | P | P | | | | |
| Standard restaurant with accessory alcohol sales, see chapter 4, City Code, Alcoholic Beverages | C | P | P | P | | | | |
| Retail | | | | | | | | |
| General, up to 10,000 s.f. | P | P | P | P | | | | |
| General, larger than 10,000 s.f. | E | P | P | P | | | | |
| Bakery, minor | P | P | P | P | | | | |
| Bank | P | P | P | P | | | | |
| Building supply | C | P | P | C | | | | |
| Gas station | C | P | P | C | | | | |
| Heavy equipment and vehicle sales, rental and service | | | | | | C | C | C |
| Liquor sales for off-premises consumption, see chapter 4, City Code, Alcoholic Beverages | C | P | C | C | | | | |
| Specialty beverage store, see chapter 4, City Code, Alcoholic Beverages | P | P | P | P | | | | |
| Specialty wine and beer establishment, see chapter 4, City Code, Alcoholic Beverages | P | P | P | P | | | | |
| Tobacco, vape store | P | P | P | P | | | | |
| Unenclosed retail | | C | C | | | | | |
| Vehicle and equipment sales, rental and service | | C | P | C | | | | |
| Vehicle sales, rental and service | C | C | P | C | | | | |
| Telecommunications and Utilities | | | | | | | | |
| Public utility facility | P | P | P | P | P | P | | P |
| Small cell facilities | P | P | P | P | P | P | | P |
| Telecommunication tower, see section 62-105 | C | C | C | C | C | P | | P |

SECTION IV. Article X, Signs, of Section 62-147, Signs prohibited of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to add the following:

(a)(8) Animated or Motion Signs. Signs and billboards with animated, blinking, chasing, flashing, moving, revolving or rotating effects by either natural or artificial means, used to depict action or to create a special effect or scene are prohibited, with the exception of (i) signs and billboards that alternate the display of time (including moving hands of a clock) or temperature; and, (ii) signs and billboards that change characters, letters, or illustrations either manually or electronically (including barber poles), without altering the sign or billboard.

SECTION V. Article X, Signs, of Section 62-149, Temporary, of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to add the following:

(g) Temporary Commercial Sponsorship.- A banner or sign rented by a business, entity or person for off premises commercial sponsorship and advertisement rights, which are temporary in nature, as a means of funding and supporting one of the following: (i) education associated projects, teams, activities and groups; (ii) not-for-profit entities and activities; and (iii) governmental agencies within the jurisdictional boundaries of the City for the general public may be displayed at a location owned or leased by schools, school system or governmental agencies. Temporary Commercial Sponsorships shall be removed after their usefulness has been fulfilled. They may remain, or be put back into place, upon their seasonal renewal by the business, entity or person providing the commercial sponsorship as a benefit to one of the above-listed groups.

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

ADOPTED BY THE CITY COUNCIL this **the 14th day of August, 2023.**

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the **14th day of August, 2023.**

Mayor