

ORDINANCE NO. 2024 - 20

TO AMEND THE CITY OF CULLMAN ZONING ORDINANCE

SECTION I. PURPOSE. The purpose of this is to add portions to the current Zoning Ordinance.

SECTION II. Section 62-45: Sidewalks (Article III) of Section 62 of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to add the following:

F. Sidewalk Fund Option

(1) On any occasion where § 62-45 (A)-(E) is made applicable to a site through the operation of this Ordinance such that the installation of a new sidewalk is required at a site, the property owner or applicant with respect to that site may, if allowed by the Building Official or City of Cullman Engineer, pay eighty (80%) percent of the estimated cost, labor and materials, of the new sidewalk into the City of Cullman's Sidewalk Fund, instead of installing the new sidewalk ("Sidewalk Fund Option").

(2) The Building Official or City of Cullman Engineer will allow the Sidewalk Fund Option to be available for a site if the Building Official or City of Cullman Engineer determines, his/her reasonable discretion, that there is little or no likelihood that the new sidewalk at the property site will be joined and connected to other sidewalks in the foreseeable future in a manner such that the purposes set forth in § 62-45(A) are effectively served.

(3) The City's Sidewalk Fund will be a fund maintained by the City Clerk for the purpose of providing funding for sidewalk construction, repair, and maintenance, and all or portions of the same may be expended for that purpose from time to time as directed by the Mayor.

(4) The Building Official or City of Cullman Engineer shall establish the estimated cost, labor and materials, of the new sidewalk for purposes of the Sidewalk Fund Option, and in doing so, may consider the costs expended by the City with respect to sidewalk construction as well as any reasonable estimates provided by the owner or applicant with respect to the same.

(5) If an owner or applicant utilizes the Sidewalk Fund Option, then that fact shall be noted on any development plan that would have otherwise shown the requirement of the installation of a new sidewalk for that same occasion pursuant to § 62-45 (A-E).

(6) An owner or applicant's use of the Sidewalk Fund Option on any one occasion at a site shall not prevent the future application of § 62-45 (A-E) on a later occasion at the same site where different circumstances, work, use, or development would otherwise require compliance with § 62-45 (A-E) such that the installation of a new sidewalk is required at that site. Likewise, an owner or applicant's use of the Sidewalk Fund Option on any one occasion at a site shall not prevent a subsequent use of the Sidewalk Fund Option at the same site at a later time.

(7) Should an owner or applicant be denied the Sidewalk Fund Option, he or she may file an appeal in accordance with Section 62-182 of the *Code of Ordinances City of Cullman, Alabama*.

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, approval and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 15th day of July, 2024.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 15th day of July, 2024.

Mayor