

Columbiana, Alabama Zoning Ordinance

Adopted August XX, 2001

By

The Columbiana Planning and Zoning Commission

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ORDINANCE NO. XXX **ZONING ORDINANCE OF THE CITY OF COLUMBIANA, AL**

AN ORDINANCE, IN PURSUANCE OF THE AUTHORITY GRANTED BY TITLE 37, CHAPTER 16, ARTICLES 1 AND 2, SECTIONS 772 TO 785, INCLUSIVE, CODE OF ALABAMA, 1940, TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE CORPORATE LIMITS OF THE CITY OF COLUMBIANA, ALABAMA; TO REGULATE WITHIN SUCH DISTRICTS, THE HEIGHT, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION AND THE USE OF BUILDINGS, STRUCTURES AND LAND; AND TO PROVIDE METHODS OF ADMINISTRATION OF THIS ORDINANCE AND PENALTIES FOR THE VIOLATION THEREOF.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City of Columbiana, Alabama, as follows:

ARTICLE 1 – CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

SECTION 11. SHORT TITLE

This ordinance shall be known as the “Zoning Ordinance of Columbiana, Alabama”, and the map herein referred to, identified by the title “Zoning Map of Columbiana”, shall be further identified by the signature of the Mayor of Columbiana, and attested by the City Clerk. The Zoning Map of Columbiana, and all explanatory matter thereon are hereby adopted and made a part of this ordinance. Such map shall be filed in the office of the City Clerk and shall show thereon the date of this ordinance.

SECTION 12. DISTRICTS

For the purpose of this ordinance, the City of Columbiana is hereby divided into the types of districts designated as follows:

R-1 RESIDENTIAL DISTRICT	(SINGLE FAMILY)
R-2 RESIDENTIAL DISTRICT	(ONE OR TWO FAMILY)
R-3 RESIDENTIAL DISTRICT	(ONE OR TWO FAMILY)
R-MH RESIDENTIAL DISTRICT	(MOBILE HOMES)
B-1 BUSINESS DISTRICT	(LOCAL SHOPPING)
B-2 BUSINESS DISTRICT	(GENERAL BUSINESS)
M-1 MANUFACTURING DISTRICT	(LIGHT INDUSTRY)
M-2 MANUFACTURING DISTRICT	(GENERAL INDUSTRY)
SDR SPECIAL DIST. REQUIREMENTS	(PLAN OF DEVELOPMENT)
A-1 AGRICULTURAL DISTRICT REQUIREMENTS	

SECTION 13. DISTRICT BOUNDARIES.

The boundaries of the above districts are hereby established as shown on the Zoning Map of the City, as amended by Ordinance No. 241, adopted on the 14th day of August, 1967, to change the Zoning Classification of certain property in the City of Columbiana from R-1 Residential District to B-1 Business District based on petitions of J.B.L., Inc., H.S. Bristow, Sr. and Estelle Bristow, and Edward James Roberson, all of which petitions were filed with the Columbiana Zoning Commission, also known as Columbiana Town Planning Map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or the corporate limit lines as they existed at the time of enactment of this ordinance. The Board of Adjustment shall decide questions concerning the exact location of district boundary lines.

SECTION 14. USES

In each district, no other use other than the types specified as “permitted” or “permitted on appeal”, shall be allowed (See Article 2). Uses specified as “permitted” shall be permitted upon application to the building inspector. Uses specified as “permitted on appeal” are exceptions, and no permit shall be issued for such uses except with the written approval of the Board of Adjustment, and subject to such conditions as said Board may require to preserve and protect the character of the district.

Any use or structure existing at the time of enactment or of subsequent amendment to this ordinance, but not in conformity with its provisions, may be continued with the following limitations. Any use or structure that does not conform to the provisions of this ordinance shall not be:

- a) Changed to another non-conforming use
- b) Re-established after discontinuance for one year
- c) Extended except in conformity to this ordinance
- d) Rebuilt after fire or damage exceeding its full value above the foundation as determined by the current assessment at the property value recorded in the Tax Assessor’s office of Shelby County, Alabama.

SECTION 15. BUILDING LOTS, YARDS, AND OPEN SPACE

In each district each structure hereafter erected or altered shall be provided with the yards specified, and shall be on a lot of the area and width specified in Article 2. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Exceptions to the district requirements for building lots and yards follow:

- a) On any lot of record which at the time of enactment of this ordinance is separately owned, one building and its accessory structures may be built, and the aggregate width of required side yards may not be reduced such that less than twenty-four (24) feet of the width of the lot be left to build upon.

- b) No building need be set back more than the average of the setbacks of the existing residences within one hundred (100) feet each side thereof.

SECTION 16. HEIGHT

In each district, each structure hereafter erected or altered shall not exceed the heights specified in the district requirements, Article 2.

Height limitations shall not apply to church steeples, hospitals, sanitariums, barns, silos, farm structures, chimneys, flag poles, public utility poles, radio and television towers, and aerials, cooling towers, water tanks; and industrial structures when required by manufacturing process but not to exceed twenty-five (25) percent of the area of the lot.

SECTION 17. OFF-STREET AUTOMOBILE STORAGE

In each district, each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in the district schedule, Article 2. No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure, but may be counted as yard space.

SECTION 18. OFF-STREET LOADING AND UNLOADING

In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, Article 2.

SECTION 19. STRUCTURES

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes; also, that accessory structures shall not include living quarters. No mobile home shall be parked permanently or temporarily on any lot which already contains another main structure, whether such main structure is used for residential or business purposes.

ARTICLE 2 – DISTRICT SCHEDULES

SECTION 21. RESIDENTIAL REQUIREMENTS

USE REGULATIONS.

All “R” Districts

Uses Permitted: Accessory structures; home occupations; gardens; playgrounds; parks; public buildings, including public schools and libraries.

Uses Permitted On Appeal: Public utilities; general hospitals for humans; semi-public buildings and uses including private schools and churches.

Uses Prohibited: Commercial and industrial uses, not specifically permitted.

Minimum Yard Size:

Front Yard Set Back:

- a) Public and Semi-Public Structures: 35 feet
- b) Accessory Structures: N/A

Rear Yard Set Back:

- a) Public and Semi-Public Structures: 35 feet
- b) Accessory Structures: 5 feet

Side Yard Set Back:

- a) Public and Semi-Public Structures: 35 feet
- b) Accessory Structures: 5 feet

Maximum Height: 45 feet or 3 stories

Maximum Building Area: 50%

Off-Street Parking Car Spaces: Off-street parking requirements for public and semi-public structures or use are as follows: schools, one car space per school room; hospitals, one car space per 5 beds; churches and auditoriums, one car space per 5 seats; Other public or semi-public use as determined in each individual case by the Board of Adjustment.

(Ordinance 04-15-01) Amended R-1 Requirements are attached at the bottom of this document.

R-1 District

Uses Permitted: Single family dwellings

(See regulations common to all "R" Districts, listed above.)

Minimum Yard Size:

Front Yard Set Back: 40 feet

Rear Yard Set Back: 40 feet

Side Yard Set Back: 15 feet

Minimum Lot Size:

Area: 20,000 sq. ft.

Width: 100 feet

Maximum Height: 35 feet or 2 ½ stories

Maximum Building Area: 25%

Off-Street Parking Car Spaces: One Per Family

R-2 District

Uses Permitted: Two family dwellings; uses permitted in R-1 Districts. (See regulations common to all "R" Districts, listed above.)

Minimum Yard Size:

Front Yard Set Back: 30 feet

Rear Yard Set Back: 40 feet

Side Yard Set Back: 15 feet

Minimum Lot Size:

One- and Two-Family Dwellings: 11,250 sq. ft.

Width:

One-Family Dwelling: 75 feet

Two-Family Dwelling: 95 feet

Maximum Height: 35 feet or 2 ½ stories

Maximum Building Area: 30%

Off-Street Parking Car Spaces: One per family

R-3 District

Uses Permitted: Dwellings and apartments for any number of families. (See regulations common to all "R" Districts, listed above.)

Uses Permitted on Appeal: Clubs, not conducted for profit; rooming and boarding houses. (See regulations common to all "R" Districts, listed above.)

Minimum Yard Size:

Front Yard Set Back: 30 feet

Rear Yard Set Back: 35 feet

Side Yard Set Back: 10 feet

Minimum Lot Size:

One Family Dwelling:

Area: 7,200 sq. ft.

Width: 60 feet

For each additional family unit, add:

Area: 2,000 sq. ft.

Width: 5 feet

Maximum Height:

35 feet or 2 ½ stories

Maximum Building Area: 35%

Off-Street Parking Car Spaces: One per family

R-MH District

Uses Permitted: Same as those permitted in R-1 Districts, but allowing mobile homes as residences.

Area and Dimensional Regulations:

Same as One-Family Dwelling regulations in R-3 Districts.

SECTION 22. BUSINESS DISTRICT REQUIREMENTS

B-1 DISTRICT (Local Shopping District)

USE REGULATIONS

Uses Permitted:

Neighborhood retail stores and markets, including the following types of stores: food; general merchandise; apparel; furniture; household and hardware; radio and television; drugs and sundries; jewelry and gifts; florists; sporting goods; gasoline service stations; and similar types.

Neighborhood services including the following types: dry cleaning and laundry pickup stations; barber and beauty shops; shoe repair, offices, banks, post offices, theaters and similar services.

Any use permitted or permitted on appeal in an R-2 Residential District, and subject to all district requirements of an R-2 District as specified in Section 21, hereof.

Uses Permitted On Appeal:

None expressly specified.

Uses Prohibited:

Major auto repair; laundry and dry cleaning plants; manufacturing; any use prohibited in a B-2 Business District.

SPACE AND HEIGHT REGULATIONS

Minimum Lot Size:

It is the intent of the ordinance that lots of sufficient size be used for any business or service use to provide adequate

parking and loading space in addition to the space required for the other normal operations of the business or service.

Minimum Yard Size:

Front, 20 feet; rear, 20 feet; side, not specified, except on a lot adjoining along its side lot line a lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.

Maximum Height: 35 feet or 2 stories

Off-Street Parking:

200 sq. ft. of parking space per each: 100 sq. ft. of one (1) story buildings, or per each 60 sq. ft. of two (2) story buildings. Theaters; one car space per each five (5) seats.

Off-Street Loading and Unloading:

Shall use required rear or side yard for loading and unloading.

B-2 DISTRICT (General Business)

USE REGULATIONS

Uses Permitted:

Any retail or wholesale business or service not specifically restricted or prohibited. Major auto repair; places of amusement and assembly; any use permitted in a B-1 (Local Shopping) District.

Uses Permitted On Appeal:

Dry cleaners and laundries; Manufacturing incidental to a retail business where articles are sold at retail on the premises, not specifically prohibited herein.

Uses Prohibited:

Stockyard; live animal sales; coal yard; lumber yard; or mill; auto wrecking; gasoline, oil or alcohol storage above the ground in excess of five hundred (500) gallons; grist or flour mill; junk, scrap paper, rag storage or baling. Any use prohibited in an M-1 Industrial District.

SPACE AND HEIGHT REGULATIONS

Minimum Lot Size: Same as for B-1 District

Minimum Yard Size: None specified

Maximum Height: 65 feet or 5 stories

Off-Street Parking: Theaters, one car space per each ten (10) seats; hotels, one (1) car space per each four (4) rooms.

Off-Street Loading and Unloading: Shall provide space for loading and unloading for structures hereafter erected or altered when same is on a lot adjoining a public or private alley.

SECTION 23. INDUSTRIAL DISTRICT REQUIREMENT

M-1 DISTRICT (Light Industry) **USE REGULATIONS**

Uses Permitted: Light industrial operations not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor, or effluents, and including the following types of business or industry: ice cream plants and creameries; cold storage plants; ice plants, bottling and central distribution plants; baking plants; textile mills; dyeing plants; warehouses; dry cleaners and laundries; trailer camps, and similar types of industries or businesses.

All business, service and manufacturing uses permitted in a B-2 Business District.

Uses Permitted on Appeal: Any manufacturing or business use not specifically prohibited herein.

Any use permitted or permitted on appeal in an R-2 Residential District, and subject to all district requirements of said district as specified in Section 21 hereof.

Uses Prohibited: Slaughter house; stockyard; bag cleaning; central mixing plant for cement, mortar, plaster, or paving material; curing, tanning or storage of hides; distillation of bones, coal, tar, or wood; fat rendering; forge plant; manufacture of acetylene, acid, alcohol, ammonia, bleaching powder, brick, pottery, terra cotta or tile, concrete blocks, candles, disinfectants, dyestuffs, fertilizers, illuminating or heating gas including storage, paint, turpentine, varnish, soap, and tar products; wool pulling or scouring; junk yards; cotton waste reclaiming; and similar types of plants or operations.

SPACE AND HEIGHT REGULATIONS

Minimum Lot Size: It is the intent of the ordinance that lots of sufficient size be used for any industrial, service or business use to provide adequate parking and loading space in addition to the space required for the other normal operations of the enterprise.

Minimum Yard Size:

Front Yard: None specified, except where existing establishments (other than residential) are set back, any new structures shall be set back not less than the average of the set backs of the existing establishments within one hundred (100) feet each side thereof.

Side Yard: None specified, excepting a lot, adjoining its side lot line another lot which is in a residential district, there shall be a side yard not less than eight (8) feet wide.

Rear Yard: None specified.

Maximum Height: 45 feet or 3 stories

Off-Street Parking: Space necessary to accommodate the cars of all workers in the industry or use. Also, space necessary to store overnight all vehicles incidental to the operation of the industry or use.

Off-Street Loading or Unloading: Shall provide adequate space for loading or unloading all vehicles or trucks incidental to the operation of the industry or use.

M-2 DISTRICT (General Industry)

USE REGULATIONS

Uses Permitted: Any industrial, service or commercial use, except those which in the opinion of the Building Inspector would cause noise, smoke, gas, vibration, fumes, dust, or other objectionable conditions which would affect a considerable portion of the city.

Uses Permitted On Appeal: Any industrial, service or commercial use, and subject to such conditions and safeguards as the Board of Adjustment may require to preserve and protect any portions of the city which otherwise could be adversely affected.

Uses Prohibited: Residences and apartments, excepting quarters for a watchman or custodian and his family.

SPACE AND HEIGHT REGULATIONS

Minimum Lot Size: Same as for M-1 Industrial District.

Minimum Yard Size: None specified.

Maximum Height: 45 feet or 3 stories.

Off-Street Parking: Same as for M-1 Industrial District.

Off-Street Loading and Unloading: Same as for M-1 Industrial District.

SECTION 24 MOBILE HOME REQUIREMENTS

- 24.1 Mobile homes are permitted only in mobile home parks or in R-MH Districts.
- 24.2 All mobile homes must have underpinnings or skirts, shall be blocked in a manner so that the mobile home is level and stable, and shall be tied down in conformance with Alabama state law.
- 24.3 The landowner or mobile home park owner or operator is responsible for assuring that these requirements are complied with. Failure to enforce compliance shall be ground for revoking the mobile home park owner's or operator's business license.
- 24.4 Temporary permits for placement of a mobile home for business purposes not over 6 months may be allowed upon application to the City Council, which may waive any or all of the requirements of this ordinance.
- 24.5 No mobile home shall be placed within the City of Columbiana without written approval of the sanitary system from the county health department, unless the site is already on an approved sanitary system.

SECTION 25 MOBILE HOME PARKS

The following property development standards shall apply for all mobile home parks:

- 25.1 No parcel of land containing less than five (5) mobile homes spaces, available at the time of first occupancy, may be used for a mobile home park.
- 25.2 There shall not be less than three thousand six hundred (3,600) square feet of lot area for each mobile home space provided on the site. This space ratio shall include paved access road, paved automobile parking a concrete patio 12' x 12'

minimum, accessory building space, and recreational area. The individual lot sizes shall not be less than three thousand (3,000) square feet in area. No two (2) mobile homes shall be parked closer than twenty (20) feet from each other. All mobile homes parks within the city limits of Columbiana shall conform to this ordinance within two (2) years of its adoption.

25.3 A sketch of the park site showing full compliance with this ordinance shall be submitted to the planning commission, and must have approval of the commission before construction is begun. Said sketch shall be drawn to scale showing the arrangement of mobile home spaces, roadways, water outlets, location and type of sewage and liquid waste disposal and the location, and type of the building for toilets, baths, laundries, and other facilities concerning the general appearance of the area.

25.4 No mobile home park shall be permitted until the location is approved by the planning commission.

REMOVED Section 26 with ORD 05-09-02 July 21, 2009

SECTION 26. SPECIAL DISTRICT REQUIREMENTS

SECTION 26.1 GENERAL

~~Special Districts are for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. A unified building and site development program providing for coordinated open space and architectural treatment shall characterize areas so established. The special districts authorized by this section are also intended to provide means for the establishment of uses that are generally considered to be incompatible with most other land usage.~~

~~The procedure to be followed in the creation of special districts shall conform to the regulations for any other zone change with the following exceptions.~~

- ~~1. Any petition for the establishment of a Special District shall be submitted to the Planning and Zoning Commission for its review and action. Recommendation to the City Council for approval of the request shall be based on the Commission's consideration of the following:~~

~~A. The value and character of the property or properties adjacent to the tract of land under consideration will not be adversely affected.~~

~~B. The proposed development is consistent with the intent and purpose of this ordinance to promote public health, safety, morals and the general welfare.~~

~~C. The final plan for the proposed development meets the requirements of this ordinance as well as the requirements of all other regulating bodies.~~

~~D. An approved method of sewage disposal is available to the tract under consideration.~~

~~2. The establishment of a Special District will be for the express purpose of improving the tract of land in accordance with the approved Plan of Development for the particular tract of land and for the use set forth in the development plan.~~

~~3. If, within one year from the effective date of the zone amendment, construction has not commenced the Planning and Zoning Commission may, by appropriate action, repeal the amendment establishing the Special District. Once construction is started, the improvements set forth in the Plan of Development must be completed within two years from date of issuance. Failure to comply with these schedules could result in cancellation or denial of building permits and utility connections.~~

~~4. Unless specific variations are noted on the development plan and approved by the Planning and Zoning Commission, the most restrictive requirements for parking, loading, yards, and dimensional regulations for the proposed use shall be applicable to the Special District.~~

~~SECTION 26.2 PLANNED SHOPPING CENTER DISTRICT~~

~~1. A special district created for the purpose of establishing a planned shopping center may be allowed in any district except the "R-1" district.~~

~~2. The Planned Shopping Center District shall be laid out, developed and used according to a plan prepared in compliance with the provisions of this section in order to provide for modern retail shopping facilities in appropriate locations to serve residential neighborhoods or regional areas. Any owner or owners of a tract of land comprised of five acres or more, may request that such tract be zoned as a Planned Shopping Center District by proceeding under the provisions of this section, but the failure of such owner or owners to apply under this section shall not prevent them from constructing or causing to be constructed a retail sales complex, customarily called a Shopping Center, upon such tract of land provided the same is zoned so as to permit its use for this purpose.~~

~~3. The use of each building or premises shall be in accordance with the plan referred to in this section which use shall be limited to services, offices, clinics, parking, retail sale of merchandise, and similar activities ordinarily accepted as shopping center uses. No building shall be designed, constructed, structurally altered or used for residential~~

~~purposes, except to provide within the building allowed, facilities for a custodian, caretaker, or watchman employed on the premises.~~

~~4. The owner or owners of a tract of land comprised of five acres or more may submit to the Planning and Zoning Commission, a plan for the development and use of such tract for the purpose outlined and meeting the requirements set forth in this section. Said plan shall comply with all requirements of this section and shall be accompanied by evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:~~

~~A. A site plan defining the areas wherein buildings may be constructed, the areas which will be developed for parking and the proportionate amount thereof, the location of roads, driveways and walks and the points of ingress and egress, including access streets where required; the location and height of walls; the spaces for loading; the location, size, character and number of signs; the location and character of exterior lighting; and the character and extent of landscaping, planting and other treatment for protection of adjoining property.~~

~~B. A drainage plan designed by a Registered Professional Engineer and approved by the Planning and Zoning Commission.~~

~~C. A copy of any deed restrictions intended to be recorded.~~

~~D. A professional report on the needs and extent of the market to be served, and general economic justification.~~

~~E. A professional traffic analysis indicating the effect of the proposed shopping center on adjacent streets and roadways and also indicating the direction and amount of traffic flow to and from the shopping center.~~

~~5. Before any action is taken thereon, the proposed planned shopping center plan, together with the required supplementary information shall be referred to the Planning and Zoning Commission for study and report. The Planning Commission for the protection of adjoining residential property may require reasonable additional requirements.~~

SECTION 26.3 PLANNED RESIDENTIAL DISTRICT

~~1. The regulations established in this section are intended to provide optional methods of land development with provisions for commercial, religious, educational and cultural facilities which are integrated with the total project by unified architectural and open space treatment.~~

~~A planned residential development, occupying five acres or more, shall be permitted in any district except the "B" and "M" districts.~~

~~2. The following uses are permitted:~~

- ~~A. Single family attached and detached dwellings.~~
- ~~B. Two family Dwellings~~
- ~~C. Multiple family dwelling including condominiums and town houses.~~
- ~~D. Commercial uses. For each one hundred dwelling units to be established, four acres may be set aside for commercial use provided that the adequate protection of adjacent properties is afforded by the plan.~~
- ~~E. Recreational uses. Recreational uses may include a community center, golf course, swimming pool or parks, playground or other recreational uses. Any structure involved in such use shall have a thirty-five foot setback from any property line. The amount of land set aside for permanent open space shall be ten percent of the gross development area.~~
- ~~F. Educational uses.~~
- ~~G. Community facilities such as churches and other religious institutions and non-profit clubs such as country clubs, swim area, and tennis area.~~

~~3. The following requirements are minimums and are intended to serve as a guide in plan formulation. The Planning and Zoning Commission retains the authority to impose greater requirements than herein stated.~~

~~A. All buildings shall be set back from street right-of-way lines and from the periphery of the project to comply with the following requirements:~~

- ~~(1) There shall be a front yard for all detached single-family dwellings, of not less than twenty feet, unoccupied and unobstructed by any structure or use from the ground upward. The front yard shall extend across the entire width of the lot as measured from the street right-of-way line to the nearest point of the building including covered porches and steps. On existing streets where there is no recorded street right-of-way, the right of way line shall be considered as being thirty feet from the centerline of the street for the purpose of these measurements.~~
- ~~(2) There shall be a rear yard for all detached single family dwellings, of not less than fifteen feet as measured from the rear lot line to the nearest point of the main building including covered porches and steps. On lots where the rear lot line borders on a street, the setback for the rear yard shall be the same as for front yards.~~

- ~~(3) There shall be a side yard for each side of all detached single-family dwellings, of not less than ten feet as measured from the side lot line to the nearest point of the main building including covered porches and steps. On lots where the side lot line borders on a street, the setback for the side yard shall be the same as for front yards.~~
- ~~(4) In no case shall a lot for a single family detached structure, be created with an area of less than five thousand square feet or a frontage of less than sixty feet at the building line.~~
- ~~B. All lots in the Planned Residential District shall be served by public water and sewer. Any alternative methods of providing water and/or sewer to the district shall be approved in writing by the Shelby County Health Department and submitted to the Planning and Zoning Commission along with the plans.~~
- ~~C. All utilities shall be placed underground and located within a public right-of-way or easement set aside for this purpose.~~
- ~~D. Street right of way widths may be reduced to a minimum of fifty feet on streets that end in a cul-de-sac and do not connect with another street if approved by the Planning and Zoning Commission.~~

~~4. Site Development Plan~~

- ~~A. A site development plan shall accompany the application and shall show the use or uses; dimensions and locations of proposed streets; parks, playgrounds, and other open spaces; residential and commercial buildings; and such other pertinent information as may be necessary to adequately determine that the proposed development meets the purpose of this section.~~
- ~~B. The site development plan shall comply in all respects with the Zoning Ordinances, Subdivision Regulations, and Policies and Procedures of the Planning and Zoning Commission unless specifically modified by this section.~~

SECTION 27 - AGRICULTURAL DISTRICT REQUIREMENTS

Ordinance No. 04-96-01

A-1 DISTRICT (Agricultural)

USE REGULATIONS

Uses Permitted: A building or premises shall be used only for the following purposes.

1. Single - family dwelling on lots of one acre minimum size.
2. Publicly owned or operated park, playground or community building, museum, library or art gallery; provided that no building shall be located less than twenty-five feet from any property line.
3. Church or other places of worship provided, that no building shall be located less than twenty-five feet from any property line.
4. Public School, kindergarten, elementary, middle, or high school having a curriculum including the same courses as ordinarily given in a public school but not providing residential accommodations for students; provided that no building shall be located less than twenty-five feet from any property line.
5. Home occupations as defined in Section 36.10.
6. Accessory structures as defined in Section 36.1; provided that no building for the keeping of farm animals shall be located less than one hundred feet from any property line.
7. On premise signing for agricultural related advertising.
8. Nurseries or home gardens.
9. Greenhouse.
10. Truck crops.
11. Grazing.
12. The growing of crops.
13. Horticulture.
14. The raising of animals but not including feed lots or swine parlors.
15. Hunting and taking of wild game and discharge of firearms.
16. Forest cultural and harvesting activity

Uses Permitted on Appeal:
None expressly specified

Uses Prohibited:

1. Commercial and Industrial uses not specifically permitted.
2. Dwellings with lots less than one acre in size.
3. Dairying

ARTICLE 3 – GENERAL PROVISIONS**SECTION 31. REDUCTION IN LOT AREA PROHIBITED**

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance.

SECTION 32. CORNER VISIBILITY IN RESIDENCE AND LOCAL BUSINESS DISTRICTS

In a residence or local business district, no fence, wall shrubbery, sign, marquee, or other obstruction to vision between the heights of three and one-half (3 ½) feet and fifteen (15) feet above street level shall be permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad right-of-way line.

Accessory structures within twenty-five (25) feet of the rear lot line of a corner lot shall be set back the minimum front yard depth required on the side street.

SECTION 33. FUTURE STREET LINES

On any lot which, at the time of adoption of this ordinance or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan," or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and the maximum building area shall be measured by considering the future street lines as the lot line of such lot.

SECTION 34. ABATEMENT OF NOISE, SMOKE, GAS, VIBRATION, FUMES, DUST, AND FIRE AND EXPLOSION HAZARD OR NUISANCE

The Board of Adjustment may require the conduct of any use, conforming or non-conforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Board of Adjustment may direct the Building Inspector to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board of Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.

SECTION 35. GROUP HOUSING PROJECTS

In the case of a housing project consisting of a group of two or more buildings to be constructed on a plot of ground of at least four (4) acres not subdivided into the customary streets and lots and not to be so subdivided or where existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual buildings in such housing projects, the application of such requirements to

such housing projects shall be done by the Board of Adjustment with the advice of the Planning Commission, in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy, a density of land use no higher and a standard of open space at least as high as required by this ordinance in the district in which the proposed project is to be located, and will provide layout design and public utilities in harmony with the general requirements and minimum standards of design of the Subdivision Regulations of the city.

In no case shall the Board of Adjustment authorize use of a building height or building area prohibited in the district in which the housing project is to be located.

SECTION 36. DEFINITIONS

For the purpose of this ordinance words used in the present tense include the future, the singular number includes the plural, and the plural the singular. Words and terms are defined as follows:

36.01 “Accessory Structure”: Any detached minor building in the rear of the main building consisting of masonry or frame walls and roof, one or two stories in height, necessary as an adjunct to the use or occupancy of a principal or main structure.

36.05 “Alteration” and “Altered”: The word “Alteration” shall include any of the following:

- (a) any addition to the height or depth of a building or structure;
- (b) any change in the location of any of the exterior walls of a building or structure;
- (c) any increase in the interior accommodations of a building or structure.

In addition to the foregoing, a building or structure shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of fifty percent (50%) of its value prior to the commencement of such repairs, renovation, remodeling or rebuilding.

36.09 “Boarding House”: A building other than a hotel, cafe, or restaurant where, for compensation, meals are provided for three (3) or more persons.

36.13 “Building Area”: The portion of the lot occupied by the main building, including porches, carports, accessory buildings, and other structures.

36.17 “Dwelling”: A house or other building used primarily as an abode for one or two families except that the word “dwelling” shall not include boarding or rooming houses, tents, tourist camps, hotels, primarily for transient residents.

- 36.21 **“Dwelling Unit”**: Any portion of a building used, intended or designed as a separate abode for a family.
- 36.25 **“Drive-In Restaurant”**: A restaurant or public eating business, so conducted that food, meals or refreshments are brought to the motor vehicles for consumption by the customer or patron.
- 36.29 **“Drive-In Theatre”**: A theatre so arranged and conducted that the customer or patron may view the performance while being seated in a motor vehicle.
- 39.33 **“Family”**: Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises.
- 36.37 **“Home Occupation”**: Any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof, and in which not more than twenty-five percent (25%) of the dwelling is used for said home occupation, and in which any signs advertising said home occupation are limited to one sign, not over two (2) square feet in area, and also in which there is no public display of goods. Examples of home occupations are: office of doctor, lawyer or notary; dressmaking, the taking of tourist and boarders, and the leasing of rooms.
- 36.41 **“Hotel”**: Any building or portion thereof which contains at least ten (10) guest rooms intended for occupancy by individuals, for compensation whether paid directly or indirectly.
- 36.45 **“Lot”**: A piece, parcel, or plot of land occupied or intended to be occupied by one main building, accessory buildings, uses customarily incidental to such main building and such open spaces as are provided in this ordinance, or as are intended to be used with such piece, parcel or plot of land.
- 36.49 **“Mobile Home”**: Any structure or vehicle intended for, or capable without substantial modification of being used for, dwelling, sleeping, business, or storage, having been constructed with wheels and having no foundation other than wheels, jacks, or skirting. Removal of wheels and placing such a structure on the ground, piers, or other foundation shall not remove such a structure or vehicle from this definition. This definition shall not be construed to include an automobile or a truck equipped with sleeping quarters for a driver.

- 36.53 "Mobile Home Park": Any plot of ground upon which five (5) or more mobile homes are located, regardless of whether or not a charge is made for such accommodation.
- 36.57 "Non-conforming Use": A use of any structure or land which though originally lawful does not conform with the provisions of this ordinance or any subsequent amendments thereto for the district in which it is located.
- 36.61 "Motor Court": A building or group of buildings containing one (1) or more guest rooms having separate outside entrances for each such room or suite of rooms and for each of which rooms or suites of rooms automobile parking space is provided.
- 36.65 "Offices": Space or rooms for professional, administrative, clerical, and similar uses.
- 36.69 "Rooming House": Any building or portion thereof which contains not less than three (3) or more than nine (9) guest rooms which are designed or intended to be used, let, or hired out for occupancy by individuals for compensation whether paid directly or indirectly.
- 36.73 "Street": Any public or private way set aside for common travel more than twenty-one (21) feet in width if such existed at the time of enactment of this ordinance, or such right-of-way forty (40) feet or more in width if established thereafter.
- 36.77 "Structure": Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground, including among other things signs, billboards, but not including telephone poles and overhead wires.
- 36.81 "Trailer Camp": Any site, lot, field, or tract of land privately or publicly owned or operated, upon which two (2) or more house trailers used for living, eating or sleeping quarters are, or are intended to be, located; such establishments being open and designated to the public as places where temporary residential accommodations are available, whether operated for or without compensation.
- 36.82
- 36.85 "Use": The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.
- 36.89 "Yard": An open space, on the lot with the main building, left open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.

- 36.89(a) "Front Yard": The yard extending across the entire width of the lot between the main building including covered porches, and the front lot line, or if an official future street right-of-way line has been established, between the main building, including covered porches and the right-of-way line.
- 36.89(b) "Rear Yard": The yard extending across the entire width of the lot between the main building, including covered porches, and the rear lot line.
- 36.89(c) "Side Yard": The yard extending along a side lot line, from the front yard to the rear yard, between the main building, including covered porches, and such lot line.

ARTICLE 4 – ENFORCEMENT

SECTION 41. ENFORCING OFFICER

The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of certificate of occupancy for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

SECTION 42. BUILDING PERMIT REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except repairs, not changing the character of the structure and/or not exceeding \$500 in cost, or painting or wallpapering) of any structure, including accessory structures, until the Building Inspector of the City has issued for such work a building permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the Building Inspector of the City on forms provided for that purpose.

SECTION 43. APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT

It shall be unlawful for the Building Inspector of the City to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Building Inspector of the City shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan

or plat drawn to scale and showing the following in sufficient detail to enable the Building Inspector of the City to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this ordinance.

- a. The actual shape, proportions and dimensions of the lot to be built upon.
- b. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
- c. The existing and intended use of all such buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving, or alteration as set forth in the application, are in conformity with the provisions of this ordinance, the Building Inspector of the City shall issue a building permit accordingly. If an application for a building permit is not approved, the Building Inspector of the City shall state in writing on the application the cause for such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this ordinance.

SECTION 44. CERTIFICATE OF OCCUPANCY REQUIRED

No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used until the Building Inspector of the City shall have issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this ordinance.

Within three (3) days after the owner or his agent has notified the Building Inspector of the City that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector of the City to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

SECTION 45. PENALTIES

Any person violating any provision of this ordinance shall be fined upon conviction not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and costs of court for each offense. Each day such violation continues shall constitute a separate offense.

SECTION 46. REMEDIES

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building structure or land is used in violation of this ordinance, the Building Inspector of the City or any other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violations or to prevent occupancy of such building, structure or land.

ARTICLE 5 – BOARD OF ADJUSTMENT

SECTION 51. APPOINTMENT, DUTIES, AND RESPONSIBILITIES

A Board of Adjustment is hereby established. The appointment, procedure, powers, and actions of said Board of Adjustment shall be governed and controlled by Title 37, Chapter 16, Article 2, Section 781, Code of Alabama, 1940 as the same may be amended.

ARTICLE 6 – AMENDMENT

SECTION 61. PROCEDURE

The regulations and the number, area, and boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the city government, but no amendment shall become effective unless it is first submitted to the City Planning Commission for its recommendation. The City Planning Commission upon its own initiative may hold public hearings, public notice of which shall be given, for the consideration of any proposed amendment to the provisions of this ordinance or to the Zoning Map, and report its recommendations to the city government. The provisions of Title 37, Chapter 16, Article 2, Sections 778 and 779, Code of Alabama, 1940, as the same may be amended, shall apply to all changes and amendments.

ARTICLE 7 – LEGAL STATUS PROVISIONS

SECTION 71. INTERPRETATION AND PURPOSE

In their interpretation and application the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances or regulations that may be adopted hereafter impose greater restrictions than those specified herein compliance with such other ordinances or regulations are mandatory.

ORDINANCE NO. 04-15-01

AN ORDINANCE AS RECOMMENDED BY THE CITY'S PLANNING COMMISSION TO CHANGE, MODIFY, AND AMEND CERTAIN PORTIONS OF THE ZONING ORDINANCE OF THE CITY OF COLUMBIANA, ALABAMA

Be it ordained by the City Council of Columbiana, Alabama, that the following changes, modifications, and amendments to Ordinance No. 215, the Zoning Ordinance of the City of Columbiana, Alabama, as amended, are hereby adopted:

1. Article 2, Section 21 Residential Requirements for R-1 Districts are amended to make the existing R-1 requirements applicable to property which has no sewer service available, and to add new requirements applicable to property which has sewer available, to read as shown on the attached table.

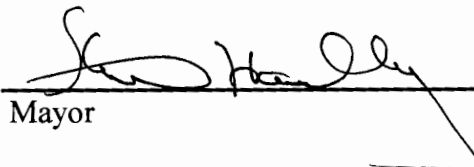
2. All other ordinances or parts of ordinances, including but not limited to Ordinance No. 215, as amended, which are inconsistent or contradict this Ordinance are hereby repealed and shall be of no further force and effect.

3. Except as expressly changed, modified, or amended, Ordinance No. 215, as amended, shall remain in full force and effect.


4. The provisions of this Ordinance are severable and if any part or portion thereof shall be declared unconstitutional or illegal, such declaration shall not affect any other remaining terms, provisions, or conditions hereof.

5. This Ordinance shall become effective upon its passage and publication or posting as required by law.

ADOPTED and APPROVED this 19th day of May, 2015.


Mayor

Authenticated and Certified:


City Clerk



DISTRICT	USE REGULATIONS	MINIMUM YARD SIZE			MINIMUM LOT SIZE		MAXIMUM HEIGHT		MAXIMUM BUILDING AREA Percent	OFF-STREET PARKING Car Spaces	DISTRICT
		FRONT YARD FEET	REAR YARD FEET	SIDE YARD FEET	AREA SQ. FT.	WIDTH FEET	FEET	STORIES			
R-1	<u>USES PERMITTED:</u> Single family dwellings. (See regulations common to all "R" Districts, listed above.)										R-1
Sewer Available		40	40	12	15,000	75	35	2½	25	One	Sewer Available
Sewer Not Available		40	40	15	20,000	100	35	2½	25	One	Sewer Not Available