

**CITY OF ARAB, ALABAMA  
ORDINANCE NO. 2024 - 1**

**AN ORDINANCE AMENDING THE CITY OF ARAB ZONING ORDINANCE WITH VARIOUS UPDATES AND CHANGES AS NEEDED AND RECOMMENDED FOR THE BEST INTERESTS OF THE CITIZENS OF ARAB**

**WHEREAS, certain amendments and changes to clarify and improve the current Zoning Ordinance have been suggested by the Planning Commission of the City of Arab, and;**

**WHEREAS, the Planning Commission of the City of Arab, after careful study and consideration has recommended the following certain changes to the 2016 Zoning Ordinance as adopted April 4, 2016 and amended at various times since.**

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARAB, ALABAMA THAT THE CITY OF ARAB ZONING ORDINANCE, IS AMENDED AS FOLLOWS:**

**SECTION ONE: AMENDMENTS TO ZONING ORDINANCE**

The following sections and tables of the City of Arab Zoning Ordinance, No. 2016-3, as amended are further amended as indicated and described herein.

**Section 203. Definitions.  
Is Amended to add the following additional definitions:**

*Garage Apartment: A Building that consists of a Garage on one side and a Dwelling Unit next to or on top of the Garage and generally includes a sink, toilet and shower/tub.*

*Building, Secondary or Secondary Residence: A room or set of rooms in a structure detached from the Principal Building that has been designed or configured to be used as a separate Dwelling Unit, generally including living, sleeping, kitchen and bathroom facilities.*

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**Section 402.01. Table of Uses  
Which currently reads:**

Existing garage apartments in the Residential (R), Office-Institutional (O-I), and Historic Downtown (HD) Districts are permitted uses and may be improved within the existing structure, but there shall be no increase in the number or size of dwelling units in the structure. No new garage apartments are permitted in any district in the City. When existing garage apartments are improved, off-street, paved parking spaces shall be provided and any required bufferyards shall be installed.

***Is hereby amended to read (changes shown in red italic):***

*Existing Garage Apartments in the Residential (R), Office-Institutional (O-I), Urban Mix (UM) and Historic Downtown (HD) Districts are permitted uses and may be improved within the existing structure, but there shall be no increase in the number or size of dwelling units in the structure and may be required to conform to current standards. When existing Garage Apartments are improved, off-street, paved parking spaces shall be provided and any required buffer yards shall be installed. New Garage Apartments are allowed in the R1, R2, R3, UM, HD, & AG Districts and are considered as a Secondary Residence; please refer to Section 411 for conditions.*

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Table 4-1 Table of Permitted Uses is amended to add the following row at the end of the Table:

	<b>SDS<sup>1</sup></b>	<b>AG</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>MHP</b>	<b>UM</b>	<b>O-I</b>	<b>NC</b>	<b>GB</b>	<b>HD</b>	<b>M-1</b>	<b>M-2</b>
<b><i>Small Cell Facility</i></b>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>

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**Section 411. One Principal Building on One Lot.**  
**Which currently reads:**

Every principal single family residential building or structure hereafter erected shall be located on one lot, tract or parcel and in no case shall there be more than one (1) principal single family building or structure on a lot or parcel.

***Is hereby amended to read (changes shown in red italic):***

Every principal single family residential building or structure hereafter erected shall be located on one lot, tract or parcel, ***which may also include a Secondary Residence as defined and limited herein.***

***Secondary Residence. Occupancy Requirements:*** *One of the Dwelling Units on a property shall be occupied by one or more owners of the property as the owner's permanent and principal residence. The owner(s) must have a 50 percent or greater ownership interest in the property and must live on the property for more than six months in each calendar year. The owner(s) may live in either the Principal Building or the Secondary Residence.*

***Secondary Residence Standards.*** *While each residential property may only have one Principal Building, one (1) Secondary Residence may be constructed on the same parcel if the following requirements are met:*

- 1) A Single-Family Dwelling Detached may have no more than one Secondary Residence allowed per parcel/lot.*
- 2) Since there is always a reasonable possibility of the Secondary Residence being partitioned onto a separate parcel/lot in the future, it must satisfy all setbacks and other zoning and building requirements, including required separate connections, and as such shall be laid out to allow for such partitioning. The Secondary structure must separately maintain all setbacks, including lot width, size and road frontage and must not break the front plane of the primary structure.*
- 3) A detached Garage Apartment must meet all setbacks, including lot width, size and road frontage. A Garage Apartment may be considered a Principal Structure if it is the only Building containing livable space on the property.*
- 4) The Secondary Residence must be a permanent structure and meet all building codes and fire safety requirements.*
- 5) A separate sewer hook-up or septic tank is required.*
- 6) A separate electric meter is required.*
- 7) A separate 911 address is required for the secondary residence.*
- 8) If either residence is rented out, the owner must apply for an Arab City business license and pay any applicable taxes.*
- 9) Variances from the requirements applicable to the construction of a Secondary Residence are not intended to be available.*

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**602. Telecommunications Tower Standards**  
***Is Amended to add the following additional Sections:***

***602.01 Colocation.*** *To the extent practical, all facilities and associated accessory equipment that are placed in the city shall be attached to a pre-existing support structure that is owned, controlled or leased by a utility, franchisee, the city or other entity. If the applicant demonstrates that no colocation opportunities exist in the area where a technologically documented need for a facility exists, the applicant may request that a new pole or other support structure be installed in that area for purposes of constructing the facilities. Before any new support structure is permitted, each of the following must occur:*

- a. The applicant must have provided the city written evidence that no practical*

*colocation opportunity exists. This evidence shall include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the applicant has taken all commercially reasonable actions to achieve colocation in the requested location or area, that the applicant has pursued but been denied access to all potential colocation sites in the subject area (and the reasons any such denial(s)), and otherwise show that the applicant is unable to co-locate on an existing support structure;*

*b. When placed near a residential property, the new support structure must be placed in front of the common side yard property line between adjoining residential properties. In the case of a corner lot, the new support structure must be placed in front of the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting streets;*

*c. The city engineer must recommend the placement of a new support structure in the right-of-way; and*

*d. The building official or mayor's designee will approve the recommendation of the city engineer to allow the issuance of a permit that includes placement of a new support structure in the right-of-way as soon as practical after the recommendation is made.*

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**Section 606.02 Paragraph A**  
***Which currently reads:***

A. A special district created for the purpose of establishing a planned shopping center may be allowed in any district except the RE, RS and RG districts.

***Is hereby amended to read (changes shown in red italic):***

A. A special district created for the purpose of establishing a planned shopping center may be allowed in any district except the **R1, R2 and R3** districts.

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**Section 608. Accessory Structures**  
***Which currently reads:***

Except as otherwise provided in this Ordinance, accessory structures shall be permitted only in rear yards and shall meet the following requirements:

- A.** Detached accessory buildings shall be permitted only in rear yards with the exception of detached automobile garages, which may be permitted behind the front plane of the principal structure in a side yard.
- B.** Detached accessory buildings in residential districts shall not exceed a single story of fifteen (15) feet in height, measured from grade to eave, and shall not be nearer than five (5) feet to any side or rear lot line. Detached automobile garages located in a side yard must maintain the side yard and front yard setbacks for the applicable zoning district.
- C.** The total square footage of all detached, enclosed accessory structures in residential districts such as garages, barns, pool houses, etc. are counted toward the total allowable lot coverage for the zoning district in which they are located.
- D.** No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory.
- E.** No mobile home, recreation vehicle, travel trailer or manufactured home may be used as an accessory structure in any zoning district unless otherwise permitted in this Ordinance.
- F.** The total square footage of all detached, enclosed accessory structures in residential districts such as garages, barns, pool houses, carports, gazebos, greenhouses, etc. but excluding swimming pools, are counted toward the total allowable lot coverage which is a maximum building area of 25% of the parcel area. Lots under one (1) acre have a maximum building area of 35%. The Agricultural (AG) district shall be exempt from these limitations.

- G. Accessory structures shall be constructed of materials compatible with those of the principle structure.
- H. Accessory structures located in a commercial zone must be located in the side or rear yard and shall not be nearer than five (5) feet from any rear lot line

***Is hereby amended to read (changes shown in red italic):***

Except as otherwise provided in this Ordinance, accessory structures shall be permitted only in rear yards and shall meet the following requirements:

- A. Detached accessory buildings shall be permitted only in rear yards with the exception of detached automobile garages, which may be permitted behind the front plane of the principal structure in a side yard.
- B. Detached accessory buildings in residential districts shall not exceed a single story of fifteen (15) feet in height, measured from grade to eave, and shall not be nearer than five (5) feet to any side or rear lot line. Detached automobile garages located in a side yard must maintain the side yard and front yard setbacks for the applicable zoning district. *A minimum rear yard setback of ten (10) feet is required.*
- C. The total square footage of all detached, enclosed accessory structures in residential districts such as garages, barns, pool houses, etc. are counted toward the total allowable lot coverage for the zoning district in which they are located.
- D. No accessory building shall be erected on a lot prior to the time of construction of the principal building to which it is accessory, *unless it meets the requirements of a Garage Apartment as defined herein.*
- E. No mobile home, recreation vehicle, travel trailer or manufactured home may be used as an accessory structure in any zoning district unless otherwise permitted in this Ordinance.
- F. The total square footage of all detached, enclosed accessory structures in residential districts such as garages, barns, pool houses, carports, gazebos, greenhouses, etc. but excluding swimming pools, are counted toward the total allowable lot coverage which is a maximum building area of 25% of the parcel area. Lots under one (1) acre have a maximum building area of 35%. The Agricultural (AG) district shall be exempt from these limitations.
- G. Accessory structures shall be constructed of materials compatible with those of the *principal* structure.
- H. Accessory structures located in a commercial zone must be located in the side or rear yard and shall not be nearer than five (5) feet from any rear lot line
- I. *If a detached Garage contains a shower/tub, it is considered a Garage Apartment or Secondary Residence, please refer to Section 411.*

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**Section 611. Fences, Walls and Hedges**  
***Which currently reads:***

Fences, walls, and hedges may be permitted in any required yard, or along the edge of any yard with the following restrictions:

- A. No fence, wall or hedge along the perimeter of any front yard in a residential district shall exceed four and one-half ( $4\frac{1}{2}$ ) feet in height.
- B. No fence, wall or hedge along the perimeter of any side yard or rear yard in a residential district shall exceed six and one-half ( $6\frac{1}{2}$ ) feet in height except as required for a retaining wall or where authorized by the Board of Adjustment.
- C. In the case of corner lots, the provisions of Section 417 shall restrict the location of fences, wall, or hedges.

***Is hereby amended to read (changes shown in red italic):***

**Section 611. Fences, Walls and Hedges**

Fences, walls, hedges *or any other structure or continuous barrier (herein simply "Fence")* may be permitted in any required yard, or along the edge of any yard with the following restrictions:

- A. No *Fence* along the perimeter of any front yard in a residential district shall exceed four and one-half ( $4\frac{1}{2}$ ) feet in height.
- B. No *Fence* along the perimeter of any side yard or rear yard in a residential district shall exceed six and one-half ( $6\frac{1}{2}$ ) feet in height except as required for a retaining wall or where authorized by the Board of Adjustment.
- C. In the case of corner lots, the provisions of Section *413* shall restrict the location of *Fences*.

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**614.08 Reduction in the Number of Required Off-Street Parking Spaces for Large Uses**  
(over 500,000 square feet of gross floor area).

***Which currently reads:***

In order to prevent the establishment of a greater number of parking spaces than are actually needed to meet the particular needs of a development site containing over 500,000 square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. This reduction shall be permitted subject to the following conditions:

- A. A maximum reduction of one (1) parking space per every 1,000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The site plan shall indicate the location and dimensions of the parking area provided, and shall include calculations showing the number of parking spaces eliminated pursuant to this Section which otherwise would have been required.
- B. Sufficient area must be reserved to provide for the total number of off-street parking spaces required by Section 614. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. Prior to site plan approval, the applicant shall sign a written statement agreeing to provide additional spaces up to the full amount required by Section 614 upon notification by the Planning Commission or their designee and/or the Planning Commission that such spaces are needed. This statement shall be provided to the Planning & Zoning Department and City Attorney in letter form and shall be reproduced on the site plan.

C. The reserved parking area shall be shown on the site plan and shall be grassed, landscaped or otherwise covered in vegetation. It shall not include signs or other structures, drainage or percolation fields for sewage disposal, areas exceeding 12 percent slope, required bufferyards, areas of general or off-street parking landscaping required under Article V, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.

***Is hereby amended to read (changes shown in red italic):***

In order to prevent the establishment of a greater number of parking spaces than are actually needed to meet the particular needs of a development site containing *between 200,000 to 500,000* square feet of gross floor area, a reduction in the number of required off-street parking spaces may be permitted. *The applicant may apply for a personal exception (which will not run with the land and only apply for the applicant) dependent on just and good cause due to the special nature or characteristics of the business or land.* This reduction shall be permitted subject to the following conditions:

A. A maximum reduction of one (1) parking space per every 1,000 square feet of gross floor area or 20 percent of the total spaces required can be permitted. The site plan shall indicate the location and dimensions of the parking area provided, and shall include calculations showing the number of parking spaces eliminated pursuant to this Section which otherwise would have been required.

B. Sufficient area must be reserved to provide for the total number of off-street parking spaces required by Section 614. The purpose of this reservation is to insure adequate area to meet any future need for additional parking spaces. Prior to site plan approval, the applicant shall sign a written statement agreeing to provide additional spaces up to the full amount required by Section 614 upon notification by the Planning Commission or their designee and/or the Planning Commission that such spaces are needed. This statement shall be provided to the Planning & Zoning Department and City Attorney in letter form and shall be reproduced on the site plan.

C. The reserved parking area shall be shown on the site plan and shall be grassed, landscaped or otherwise covered in vegetation. It shall not include signs or other structures, drainage or percolation fields for sewage disposal, areas exceeding 12 percent slope, required bufferyards, areas of general or off-street parking landscaping required under Article V, setbacks, or areas which would otherwise be unsuitable for parking spaces due to the physical characteristics of the land or other requirements of this Ordinance.

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**Table 6-1: Lot Area, Setback, Bulk Regulations and Parking Requirements: Conventional Residential Uses/Subdivisions.**  
***Which currently reads:***

Zone	Minimum Lot Area <sup>1</sup>	Minimum Lot Width <sup>2</sup> (Ft.)	Setbacks (feet)			ISR <sup>4</sup>	Height (Ft.)	Off-Street Parking
			Front	Rear	Minimum Side <sup>3</sup>			
AG	1 acre	150	35	40	15	.20	35	2
R-1	15,000	100	35	40	10	.25	35	2

R-2	10,500 <sup>5</sup>	75	35	35	10	.25	35	2
R-3	<b><i>See Section 603.02 Alternative Residential Development Styles</i></b>							
MHP	<b><i>Section 604 for Area, Dimensional and Other Requirements for MHP</i></b>							
	<b><i>I</i></b>				<b><i>1</i></b>			

'Unless a Special District zoning is requested and a Master Plan submitted, lots must be sized and developed according to the zoning requested.

<sup>2</sup>In cases where side lot line are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement.
2. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot line.

<sup>3</sup>A side yard, which abuts a dedicated public street, shall adhere to the requirements for corner lots in Section 413.

<sup>4</sup>Maximum Impervious Surface Ratio.

<sup>5</sup>Developments containing lots of less than 10,500 square feet in size must be part of a Special District Master Plan development and are required to have a minimum of 20% Open Space.

***Is hereby amended to read (changes shown in red italic):***

Zone	Minimum Lot Area <sup>1</sup>	Minimum Lot Width <sup>2</sup> (Ft.)	Setbacks (feet)			ISR <sup>4</sup>	Height (Ft.)	Off-Street Parking
			Front	Rear	Minimum Side <sup>3</sup>			
<b><i>UM</i></b>	<b><i>10,500</i></b>	<b><i>100</i></b>	<b><i>35</i></b>	<b><i>35</i></b>	<b><i>10</i></b>	<b><i>.25</i></b>	<b><i>35</i></b>	<b><i>2</i></b>
AG	1 acre	150	35	40	15	.20	35	2
R-1	15,000	100	35	40	10	.25	35	2
R-2	10,500 <sup>5</sup>	75	35	35	10	.25	35	2
R-3	<b><i>See Section 603.02 Alternative Residential Development Styles</i></b>							
MHP	<b><i>Section 604 for Area, Dimensional and Other Requirements for MHP</i></b>							
	<b><i>I</i></b>				<b><i>1</i></b>			

'Unless a Special District zoning is requested and a Master Plan submitted, lots must be sized and developed according to the zoning requested.

<sup>2</sup>In cases where side lot line are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement.
2. Subdivision cul-de-sac: 50 percent of normal width requirement

Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot line.

<sup>3</sup>A side yard, which abuts a dedicated public street, shall adhere to the requirements for corner lots in Section 413.

<sup>4</sup>Maximum Impervious Surface Ratio.

<sup>5</sup>Developments containing lots of less than 10,500 square feet in size must be part of a Special District Master Plan development and are required to have a minimum of 20% Open Space.

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**1006. Annexation**

**D. Map Amendments (Rezoning) Paragraph 4**

***Which currently reads:***

4. All properties annexed into the City of Arab shall receive the Agricultural (AG) District zoning designation. If another zoning designation is desired, the owner or authorized representative shall make separate application for rezoning in accordance with these regulations. Application for rezoning may be made simultaneously with a request for annexation.

***Is hereby amended to read (changes shown in red italic):***

4. All properties annexed into the City of Arab shall receive the *Low Density Residential District (R1)* zoning designation. If another zoning designation is desired, the owner or authorized representative shall make separate application for rezoning in accordance with these regulations. Application for rezoning may be made simultaneously with a request for annexation.

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**SECTION THREE. EFFECTIVE DATE.** This ordinance, amending portions of the Arab Zoning Ordinance, shall become effective upon its adoption and publication as provided by law.

**SECTION FOUR. SEVERABILITY.** If any provision of this ordinance is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.

**SECTION FIVE. CODIFICATION.** The provisions of this ordinance shall be included and incorporated into the Zoning Ordinance of the City of Arab, as an addition or amendment thereto, and the Zoning Ordinance of the City of Arab shall be included in its entirety in the Code of Ordinances of the City of Arab.

**ADOPTED THIS 5<sup>th</sup> DAY OF FEBRUARY, 2024.**

**Johnny Hart – Council Member Place 1**

**Mitch Stone – Council Member Place 2**

**Mark Gullion – Council Member Place 3**

**Mike Allen – Council Member Place 4**

**Alan Miller – Council Member Place 5**

**R.D. Joslin – Mayor**

**ATTEST: Tony Willis City Clerk**