

ORDINANCE NO. 2024 – 17

TO AMEND THE CITY OF CULLMAN ZONING ORDINANCE

SECTION I. PURPOSE. The purpose of this 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:

Tobacco, Vape, CBD, THC Shop/Store; means any retail premises whose primary purpose is dedicated to the display, sale, storage of tobacco products, electronic cigarettes (a product containing or delivering nicotine, or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product including, but not limited to, “vapes”), CBD products (products made from CBD containing less than 0.2% THC), and/or THC products (including Delta-8 and Delta-9 products that come from the cannabis sativa plant which are subject to Federal, State and local guidelines and laws). Provided that, however, any grocery store, pharmacy, or supermarket, shall not be defined as such and shall not be subject to the restrictions in this article.

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 —The use is permitted by right.

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.

SE —Special exception, requires approval by the ZBA per section 62-184.

C —Conditional use, requires approval by the commission per section 62-172.

A blank cell indicates the use is prohibited in the district.

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				
Home occupation	P	P	P	P				
Kennel	C	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					
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
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, CBD, THC Shop/Store			C					
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 62-145, “Signs and advertising related to alcoholic beverages” of the *Code of Ordinances City of Cullman, Alabama*, is hereby amended to read as Signs and advertising related to alcoholic beverages, vaping, tobacco, e-cigarettes, CBD, THC and medical cannabis” add to add the following:

(d) It shall be unlawful for any person who owns or operates a place where vape products, tobacco, e-cigarettes, CBD, THC (including but not limited to CBD products, Delta-8 and Delta-9) or medical cannabis are sold to display any feather flags, banners, signs or electronic signage (including, but not limited to neon signs, LED signs, digital displays, interactive displays, mobile displays, etc.,) containing the English name, brand name, illustration/image or any phonetic spelling or misspelling of an English name for vape products, tobacco, e-cigarettes, CBD, THC or medical cannabis outside any place of business or in any window or door visible from the outside of the business. For the purposes of this chapter, any sign attached directly to any part of a window or its surroundings (including windows integrated into doors) or any sign placed within 36 inches of the window with its content visible from the outside shall be considered to be in the window. No LED or electronic lighting affixed to the building, door(s) or window(s) shall be permitted if it is deemed by the Building Official to create a danger to or interfere/impeped the flow of traffic; or if it is deemed to be a nuisance.

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

ADOPTED BY THE CITY COUNCIL this the 22nd day of April, 2024.

President of the City Council

ATTEST:

City Clerk

APPROVED BY THE MAYOR this the 22nd day of April, 2024.

Mayor