

ORDINANCE NO. 2023-01-23

**AN ORDINANCE AMENDING (Ordinance No. 2020-03-09)
BUILDING SET-BACK REQUIREMENTS FOR ALL
CONSTRUCTION IN THE CORPORATE LIMITS OF THE
CITY OF ODENVILLE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ODENVILLE,
ALABAMA, as follows:**

ARTICLE I. Purpose

Section 1. Pursuant to the authority established by the Code of Alabama, 1975, et seq., this Ordinance is intended to serve the following purposes:

- 1.01** To establish and regulate the required minimum horizontal distance between the building line and the related front, side, or rear lot line for all residential and commercial construction or installation within the corporate limits of the City of Odenville
- 1.02** To insure that these regulations have been made with reasonable considerations to the character of the residential and commercial areas of the City of Odenville
- 1.03** To provide for methods of administration of this Ordinance and the penalties for the violation thereof

Section 2. This Ordinance shall apply to all areas within the corporate limits of the City of Odenville, Alabama.

ARTICLE II. Definitions

Section 1. Except as specified herein, all words used in this Ordinance shall have their customary dictionary definitions. For the purposes of this Ordinance, certain words or terms are to be interpreted as follows:

2.01 Building – A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons; animals, or chattels; and when supported by division walls from the ground up without ingress and egress provided between such divisions by suitable openings, each portion of such building so divided shall be deemed a separate building.

2.02 Building Area - That portion of a lot occupied by the main building, including porches, carports, accessory buildings and other structures.

2.02 (A) Building Line- A line extending from side to side or front to rear designating the nearest structure to the side line, front line, or rear line of the lot. If an overhang extends from a wall, then the overhang is considered a part of the structure and this point will be the starting or ending point of the line. This line is to be used in calculating set back locations.

2.03 Development – The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of a structure; any use or change in use of any building or land; any extension of any use of land or any clearing, grading or other movement of land, for which permission may be required under this Ordinance.

2.04 Dwelling – Any building or portion thereof which is designed or used exclusively for residential occupancy.

2.05 Dwelling, Attached - Two (2) or more dwelling units adjoining one another by a common roof, wall, or floor, such as a duplex, townhome, or apartment.

2.06 Dwelling, Detached – A dwelling designed for and occupied by not more than one (1) family and having no roof, wall or floor in common with any other dwelling until, such as a single-family residence or manufactured home.

2.07 Dwelling, Two Family – A building so designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy of two families only, together with such domestic help as is deemed necessary to service and maintain the premises and their occupants.

2.08 Dwelling, Multiple – A building used or intended to be used as a dwelling by three or more families, or as an apartment house.

2.08 (A) High Density Residential- Any structure built or used for residential purposes that houses, or is intended to house more than one single family unit such as duplex, condominium, apartments, etc. Any shared wall or roof servicing more than one family unit.

2.09 Lot – A plot or parcel of land devoted to common use or occupied by a building and its accessory buildings, or by a dwelling or group of dwellings and their accessory buildings, together with such open spaces as are required under the provisions of the Ordinance and having not less than the minimum area required by this Ordinance and having its principal frontage upon a public street or private way.

2.10 Lot, Corner – A lot abutting upon two or more streets at their intersection

2.11 Lot, Interior – A lot other than a corner lot

2.12 Lot Line - The lines bounding a lot as defined herein.

2.13 Lot Line, Front - The front lot line is that opposite the rear line. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten feet (10') long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten feet (10').

2.14 Lot Line, Rear - The rear lot line is that opposite the front line. In case of a lot terminating at a point at the rear of the lot, or having a rear lot line less than ten feet (10') long, the rear lot line shall be considered a line parallel to the front lot line having a length not less than ten feet (10').

2.15 Lot Line, Side - Any lot lines other than front lot line or rear lot line.

2.16 Lot Width - The width of the lot measured from one side to the other side and not the front or rear line. This line is used in calculating the minimum building set back line.

2.17 Manufactured Home - A structure, transportable in one or more section which, in the traveling mode, is eight feet (8') or more in width and thirty-six feet (36') or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. Such term shall include any structure meeting all the requirements of this definition except the size requirements an with respect to which the manufacturer voluntarily files a certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

2.18 Mobile Home - A detached one-family dwelling unit, manufactured prior to adoption of or otherwise not in conformance with the U.S. Department of Housing and Urban Development (HUD) Code, 1976, with the following characteristics:

- a. Designed for a long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.
- b. Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels.
- c. Arising at the site where it is to be occupied as a complete dwelling ready for occupancy except for assembly operations, location on foundation supports, connection to utilities and the like.

2.19 Modular Home - An offsite fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of the Alabama Manufacturing Housing Commission.

2.20 Parcel – A part or portion of land; a contiguous quantity of land in the possession of an owner. The words lot, parcel, property and tract can be used interchangeably.

2.21 Setback – The required minimum horizontal distance between the building line and the related front, side, or rear lot lines.

2.22 Single Family Dwelling – A building so designed and arranged to provide sleeping, cooking, and kitchen accommodations and toilet facilities for occupancy by one family only, together with such domestic help as are necessary to service and maintain the premises and their occupants.

2.23 Site – A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one or more lots.

2.24 Structure - A structure is any construction or production of a piece of work artificially built of or composed of parts adjoined together in some definite manner.

2.25 Subdivision – Any subdivision or re-division of a tract, parcel or lot of land into two (2) or more parts by means of mapping, platting, conveyance, change or rearrangement of boundaries. Subdivision may also generally refer to a residential development created through the division of a property or properties.

2.26 Townhouse – An attached single-family dwelling unit with the living unit going from ground to roof and with individual outside access, placed whether on an individual lot or in a group development.

2.27 Variance – A modification of the strict terms of this Ordinance granted by the Council where such modification will not be contrary to the public interest, and where owing to conditions peculiar to the property and not as a result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property.

2.28 Yard – The open area between a lot line and building line or setback line.

2.29 Yard, Front – A yard extending across the front of a lot between the side lot lines. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

2.30 Yard, Rear – A yard extending across the rear of a lot between the side lot lines. On all lots the rear yard shall be in the rear of the front yard.

2.31 Yard, Side – A yard between the main building and the side lot line and extending from the required front yard to the required rear yard.

ARTICLE III – Enforcement and Administration

The regulations set forth in this Article are intended to provide for the administration and enforcement of the provisions of this Ordinance; to designate the enforcing officer; and to set forth penalties for violations of the provisions of this Ordinance.

Section 1. The provisions of this Ordinance shall be administered by the Council in accordance with the authority granted to it pursuant to the Code of Alabama, 1975.

Section 2. Enforcement Officer

3.01 The provisions of this Ordinance shall be administered and enforced by the Building Inspector of the City of Odenville or his designee. This official shall have the right to enter upon any premises at reasonable times for the purpose of making inspections of buildings or premises necessary in carrying out his duties in the enforcement of this Ordinance.

Section 3. Variances

3.02 Variances - Variances to the terms of this Ordinance may be granted in individual cases upon a finding by the city variance committee as created by the city council, that all of the following criteria have been satisfied:

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same area;
- b. That the special conditions and circumstances do not result from the actions of the applicant;
- c. That a literal enforcement of the terms of this Ordinance will deprive the applicant of rights commonly enjoyed by other properties in the same area
- d. That relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of his Ordinance;
- e. That the variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by special exception in the area involved;
- f. That granting the variance requested will not confer upon the property owner any special privilege denied by the Ordinance to other lands, buildings or structures in the area involved, and
- g. That substantial justice shall be done.

3.03 Application for Variance - An application for approval of a variance shall be filed with the Building Inspector. The application shall be filed by the property owner or the authorized agent of the owner on a form made available by the Building Inspector. Upon receipt, the Building Inspector shall notify variance committee for review. Committee meeting will be on the 3rd Thursday of each month. All decisions made by the variance committee will be delivered by Email by the building department or by certified letter.

3.04 Appeal Procedures – Appeals to the City Council of the City of Odenville may be taken by any property owner affected by any decision of the Variance committee. An Administrative Appeal shall require the submission of an application to the Council and shall also be filed with the Building Inspector. Upon filing of the appeal, the Council shall schedule a hearing at least thirty (30) days following the filing of the application. The application shall be filed by the property owner or the authorized agent of the property owner on a form made available by the Building Inspector. Notification of the Hearing on the Appeal shall be given the property owner by certified mail.

Section 3. Remedies and Penalties for Violation

3.05 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 or other official of the City of Odenville may institute injunction, mandamus, or other appropriate action or proceeding to correct or abate such violation or to prevent occupancy of such building, structures or land.

3.06 Penalties - Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined for each offense. Each day such violations continue shall constitute a separate offense.

ARTICLE IV – Area and Dimensional Requirements for Residential Uses

Section 1. Residential, Single-Family Dwellings (Not Including Manufactured or Mobile Homes)

4.01 Single-Family Dwellings – The minimum area, dimensional and setback requirements for property on which single-family dwellings are erected, constructed, reconstructed, altered, repaired, converted, or maintained, shall be as follows:

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|--------------------------------------|--------------------|
| a. Minimum Area | 15,000 square feet |
| b. Minimum Lot Width | 70 feet |
| c. Minimum Front Yard Setback | 35 feet |
| d. Minimum Rear Yard Setback | 35 feet |
| e. Minimum Side Yard Setback | 15 feet |

4.02 Manufactured or Mobile Homes - The minimum land area, dimensional and setback requirements for property on which manufactured homes or mobile homes are erected, located, constructed, reconstructed, altered, repaired, converted, or maintained, shall be as follows:

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| a. Minimum Area - Single Wide | 2,500 square feet |
| Minimum Area – Double Wide | 4,600 square feet |
| b. Minimum Lot Width | 40 feet (Single wide)
55 feet (Double wide) |
| c. Minimum Front Yard Setback | 30 feet |
| d. Minimum Rear Yard Setback | 30 feet |
| e. Minimum Side Yard Setback | 30 feet between mobile homes
Side to side
15 feet between mobile homes
End to end |

4.03 High Density Residential - The minimum area, dimensional and setback requirements for property on which high density residential dwellings are erected, constructed, reconstructed, altered, repaired, converted, or maintained, shall be as follows:

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| a. Minimum Lot Width | 60 feet |
| b. Minimum Front Yard Setback | 25 feet |
| c. Minimum Rear Yard Setback | 30 feet |
| d. Minimum Side Yard Setback | 10 feet |

4.04 Office and Business - The minimum land area, dimensional and setback requirements for property on which Office, Business, or Commercial buildings are erected, constructed, reconstructed, altered, repaired, converted, or maintained, shall be as follows:

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|--------------------------------------|------------------|
| a. Minimum Area | 7500 square feet |
| b. Minimum Lot Width | 70 feet |
| c. Minimum Front Yard Setback | 25 feet |

- d. **Minimum Rear Yard Setback** 30 feet
- e. **Minimum Side Yard Setback** 10 feet

ARTICLE V – LEGAL STATUS PROVISIONS

Section 1: Interpretation – In their interpretation and application, the provisions of this Ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the City of Odenville. Where other ordinances or regulations which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this Ordinance, i.e., that which is more restrictive shall apply.

Section 2. Conflict with Other Regulations – Whenever the regulations of this Ordinance require or impose more restrictive standards than are required in or under any other statute or ordinance, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or ordinance require more restrictive standards than are required by this Ordinance, provisions of such statute or ordinance shall govern.

Section 3. Severability - If any section or provision of this Ordinance shall hereafter be declared invalid by a court of competent jurisdiction, such declaration shall not affect the validity of any other section or provision of this Ordinance.

Section 4: Repeal of Conflicting Ordinances - Any Ordinance in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

Section 5: Effective Date. This Ordinance shall become effective sixty days (60) after approval, passage, and publication as required by law.

ADOPTED AND APPROVED this 13th day of February, 2023



Rodney Christian – Mayor

ATTEST:



Katie Roberson - City Clerk

I, Katie Roberson, clerk for the City of Odenville, hereby certify that the above Ordinance was duly adopted by the City Council of the City of Odenville, at a regular meeting held on the 13th day of February, 2023, and that same now appears in the Ordinance book of the City of Odenville and was posted as required by law in three public places being Odenville City Hall, Odenville Piggly Wiggly, and Odenville Utility Board.

Katie Roberson

Katie Roberson City Clerk