

IN ADDITION . . .

You must also receive the approval of
or a certification/license from:

City of Birmingham

Housing Department
254-2312
7th Floor / City Hall
710 North 20th Street

Fire Inspections

Birmingham Fire Department
Fire Marshall
250-7540
317-15th Street North

Jefferson County Department of Health

Food and Lodging Division
930-1202
1400 6th Avenue South
Second Floor

Business License Division

Finance Department
254-2198
1st Floor / City Hall
710 North 20th Street

Other licenses or certifications may also apply,
including state or county business licenses.

If you need other information or direction, any staff of
the Zoning Division of the Department of Planning
Engineering and Permits will be happy to assist you.
We are located at City Hall on the 5th Floor; and at
the Permits Counter on the 2nd Floor.

6/12/08



Department of Planning Engineering and Permits
City Hall / Room 210
710 North 20th Street
(205) 254-2478 / (205) 254-2111

www.birminghamal.gov

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Department of Planning
Engineering and Permits



Communal
Living
Facilities
in the
City of Birmingham

William A. Bell, Sr.
Mayor

Andre Bittas
Director

WHAT THEY ARE...

Communal Living Facilities (CLF) are allowed in the City of Birmingham under very specific criteria. They are generally thought of as a multi-family dwelling situation in that unrelated persons live together as a single household as opposed to a family. The differences in these living arrangements bear explanation; and is the purpose of this pamphlet.

Typically, a family is considered to be all related persons. A family can also be made up of just one person. The Zoning Ordinance of the City of Birmingham defines a family as "one or more persons, all but two of whom are related by blood, marriage or adoption" This means, according to the Zoning Ordinance, that any number of related persons may live together in one household or dwelling. Additionally, two other persons who are not related to the family may also reside in the dwelling (house, apartment, etc). If a third unrelated person is added to the family, the dwelling is then termed a Communal Living facility (CLF).

EXAMPLE:

Family + unrelated + unrelated = family

Family + unrelated + unrelated + unrelated =
communal living facility

The term Communal Living Facilities (CLF) is a very large umbrella under which many various programs or housing arrangements are covered. Some such facilities or arrangements are commonly known as boarding houses/homes, rooming houses, recovery houses, transitional homes, sororities and fraternities, domiciliaries, and nursing homes. Whether or not there is a rental agreement or financial exchange is not a defining element as it relates to zoning. It is simply the number of unrelated persons occupying the dwelling unit.

CRITERIA FOR OPERATION . . .

- ◆ All communal living facilities must be granted a Special Exception for the location through the Zoning Board of Adjustment (ZBA) prior to operating. The Special Exception is granted when the Board finds that the use "will not tend to impair the health, safety, convenience or comfort of the public, including that portion of the public occupying the property immediately contiguous to the parcel of land which the modification concerns".
- ◆ Further, the Special Exception can only be granted for property located within:
R-4, R-5, R-6, R-7, B-1, B-2, B-3, B-4 or M-1 zoning classifications.
- ◆ Finally, the facility cannot be located within **1000'** (**spacing requirement**) of another facility.

If any of these criteria cannot be met, regulatory action will be required. These actions may include rezoning through the City Council; or variances through the Zoning Board of Adjustment. The citizen will initiate the necessary action with the assistance of the staff of the Department of Planning Engineering and Permits.

Please bear in mind that the initiation of a regulatory action (rezonings, special exceptions or variances) does not guarantee approval. Any associated fees are non-refundable.

TO DETERMINE WHETHER YOU MAY OPERATE A COMMUNAL LIVING FACILITY (CLF) WITHIN THE CITY OF BIRMINGHAM, FOLLOW THESE STEPS:

- ◆ Find a location for your communal living facility.
- ◆ Call the Zoning Division of the City (205-254-2478) and ask for the zoning classification of the property. You may also go online to our website :

www.birminghamal.gov

and find the zoning classification for the address.

If the zoning classification of your property is not listed in the previous criteria, a CLF cannot be located at the site. The property would require **rezoning to an appropriate zoning classification** through the City Council. Contact the city planner (254-2478) responsible for rezoning action and inquire about the process, fees and likelihood of having the property rezoned. If you are successful in the rezoning, a Special Exception will still be required from the ZBA.

If the zoning classification is on the previous listing (or you have successfully rezoned the property), contact the city planner (254-2478) responsible for Zoning Board of Adjustment actions. This planner will advise you of the Special Exception process, fees, and whether a spacing requirement variance is necessary.

Once you have obtained the necessary zoning actions for establishing the facility, you will be required to comply with any conditions imposed by the City Council, Zoning Board of Adjustment, and/or Planning staff.