

IN ADDITION...

You must also receive the approval of and/or a
approval from....

City of Birmingham

Housing Department
710 20th Street North
7th Floor / City Hall
Birmingham, Alabama 35203
205/254-2312

Fire Inspections

Birmingham Fire Department
Fire Marshall
317 15th Street North
Birmingham, Alabama 35203
205/250-7540

Jefferson County Board of Health

Food and Lodging Division
1400 6th Avenue South
Second Floor
Birmingham, Alabama 35203
205/930-1202

Business License Division

Finance Department
710 20th Street North
1st Floor / City Hall
Birmingham, Alabama 35203
205/254-2312

Other license/certification 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 on the 5th Floor; and at
the Permits Counter on the 2nd Floor of City Hall.

***DEPARTMENT OF PLANNING,
ENGINEERING AND PERMITS
CITY HALL / ROOM 210
710 NORTH 20th STREET
205/254-2478 / 205/254-2479***

COMMUNAL LIVING FACILITIES

CITY OF BIRMINGHAM

Randall L. Woodfin, Mayor



***DEPARTMENT OF PLANNING,
ENGINEERING AND PERMITS***

Katrina R. Thomas, Director

What is a Communal Living Facility?

Communal Living facilities (CLF) are allowed in the City of Birmingham under very specific criteria. They are generally thought of as multi-family dwelling situations 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 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 Communal Living Facility (CLF).

The term Communal Living Facility (CLF) is a very large umbrella under which many various programs or

EXAMPLE:

Family + unrelated + unrelated = family

**Family + unrelated + unrelated +
unrelated = communal living facility**

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 of a CLF

All CLFs must be granted a Special Exception by 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 the following zoned districts:

R-4, R-5, R-6, R-7, B-1, B-2, B-3, B-4, M-1, D-4, D-5, D-6, MU-M, MU-H, MU-D or C-2

Finally, the facility cannot be located within 1000 feet (**spacing requirement**) of another facility.

If any of these criteria cannot be met, a 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 Department of Planning, Engineering and Permits.

Please bear in mind the initiation of the regulatory action (rezoning, special exceptions or variances) does not guarantee approval and a fee is required for these actions.

Furthermore, all associated fees are non-refundable.

DETERMINING WHETHER A COMMUNAL LIVING FACILITY (CLF) CAN OPERATE.

Find a location for a Communal Living Facility.

Call the **Zoning Division** of the City of Birmingham (205-254-2478) and ask for the zoning classification of the proposed CLF property. You may also find the zoning of property on the City of Birmingham’s website:

www.birminghamal.gov

If the zoning classification of your proposed CLF property is not within the listed classification a CLF **cannot** be operated at the property. The property would require a rezoning to an appropriate zoning classification through the City Council. Contact a Planner with the City of Birmingham for a rezoning action to inquire about the process, fees, and likelihood of approval to rezone the property for the proposed CLF use. If you are successful in a 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 Planner (205/254-2478) responsible for ZBA actions. That planner will advise you of the Special Exception process, fees, and whether a variance is required to meet the spacing requirement for a CLF.

Once you have obtained the necessary zoning actions for establishing a CLF, you may be required to comply with other conditions imposed by the City Council, ZBA and/or Planning staff.