

Commonly Asked Questions about Zoning

The staff of Shelby County Development Services receives many questions from residents regarding zoning and how zoning affects their property. This brochure addresses some of the most frequently asked questions. While we have attempted to cover most of the common areas of concern, you should consult the **Zoning Regulations of Shelby County** or contact the Shelby County Department of Development Services for detailed answers regarding specific zoning issues.

How does zoning affect mobile homes?

Mobile homes are a permitted use in an Agricultural (A-1) zoning district and properly zoned mobile parks. In the A-1 district, at least one acre for each mobile home is required. Also, any property currently being used for a mobile home is "grandfathered." This means the property may continue to be used as a mobile home as long as the use is not discontinued for a period of more than one year. This applies even if the property is not zoned for mobile homes.

Does zoning control the minimum size or price of houses?

No. The **Zoning Regulations of Shelby County** does not contain any reference to the size or price of houses and does not regulate it in any way.

Can I operate a business out of my house?

You may operate a home occupation out of your house in most agricultural and residential zones. However, the home occupation must be clearly incidental to, and not alter, the character of the residential use (See the Zoning Regulations for details). If your house is on property zoned for commercial use, you may also operate a business from your property. The business must, however, be located in a separate structure from your house.

Will zoning increase my property taxes?

Zoning does not control property taxes. Any affect zoning may have would be through a general increase or decrease in property values. The rise or fall in property values might be different depending on the circumstances of a particular case; but in any case the tax effect is likely to be negligible.

How will zoning effect my property values?

Zoning tends to stabilize property values because it serves to prevent incompatible uses of land from locating next to one another or from negatively affecting one another. Property values are protected by the application of development guidelines which will vary according to the zoning district. These are called use regulations and dimensional regulations.

What is a setback?

A setback is a dimensional regulation. A **setback** is the minimum distance that the main structure on a parcel of land must be from any property line on that land. Setbacks prevent structures from crowding too close together and create a buffer between you and your neighbor. Each zoning district has different setbacks depending upon the purpose of the district. Setbacks also protect property values by preventing the encroachment of similar or incompatible uses upon one another.

Is lot size affected by zoning?

Yes. Minimum lot size is another dimensional regulation. As the minimum separation (setback) between buildings varies from district to district, so does the minimum size of individual lots. By establishing a minimum lot size for each district, the density of development does not exceed that which is acceptable to the resident of the community. Minimum lot size protects property values in a subdivision by ensuring that the lots will have similar characteristics.

What is the difference in staying unincorporated and being zoned, versus incorporating?

Zoning is a development control strategy which may be used regardless of whether an area is incorporated or unincorporated. With incorporation, however, you obtain other municipal services and obligations which may not be available in an unincorporated area.

What happens to county zoning if land is annexed by a city?

When land is annexed by a city, the county zoning is nullified and the land is zoned according to the city's zoning ordinance. In most cases the land will be placed into a comparable zone.

Besides zoning, what other development controls are there?

Shelby County has several "tools" in addition to zoning that are used to control development, including subdivision regulations, floodplain regulations and building codes. Unlike zoning, these regulations apply to all unincorporated areas of the County.

What if my property is zoned differently from the way I am now using it?

Zoning cannot be used to make a property owner stop using property as it was used before it was zoned. In a case where property is zoned differently from the way it is used, the current use is allowed to continue and it is called a nonconforming use. For example, a business that is in a residential zone would be permitted to continue operating as a nonconforming use. However, nonconforming uses are subject to some limitations. For instance, if a nonconforming business is closed down and left vacant for more than one year, it cannot be reopened.

What if I want to develop my property different from the way it is zoned?

In this case the property owner must file an application to rezone the property to a district that would permit the use. The request must be legally advertised and a public hearing held. Before the public hearing is held the staff will carefully study the impacts of the proposed rezoning and make a recommendation to the Shelby County Planning Commission. At the public hearing, concerned persons may speak on behalf of, or in opposition to, the rezoning.

Can I keep animals on my property?

The **Zoning Regulations of Shelby County** allows the keeping of animals in any district provided that compliance with all applicable laws including State and County Health Department regulations are maintained.

Can I grow crops on my property?

The growing of agricultural crops in the open is permitted in any district.

Can I hunt on my property?

Hunting is not controlled by the **Zoning Regulations of Shelby County** in any way.

Can I harvest and sell the timber off my property?

Zoning will not prevent you from cutting and selling timber from your property. If you decide to sell your property, however, it may be determined during the site plan review that certain areas of the property should not be cut.

Who do I contact for more information

The staff of Shelby County Development Services can provide additional information about the zoning process. You can also obtain a copy of the **Zoning Regulations of Shelby County** and the **Comprehensive Plan** for the future growth and development of Shelby County.

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