

CITY OF GENEVA
ORDINANCE NO. 07-2025-19

AN ORDINANCE OF THE CITY OF GENEVA ESTABLISHING A ONE-YEAR
MORATORIUM ON TINY HOMES, PORTABLE BUILDINGS AND STORAGE
CONTAINERS BEING CONVERTED INTO DWELLINGS, AND SIMILAR STRUCTURES
WITHIN THE CITY LIMITS

WHEREAS, the City of Geneva ("City") is a duly incorporated municipality with the authority to regulate land use and development within its boundaries; and

WHEREAS, the City Council has identified a growing trend of tiny homes, portable buildings and storage containers being converted into dwellings, and similar structures being placed in residential neighborhoods throughout Alabama; and

WHEREAS, the City Council is concerned about the potential impacts of these types of structures on the character, property values, infrastructure, and overall quality of life in the City's residential neighborhoods; and

WHEREAS, the City Council desires to conduct a comprehensive study to evaluate the effects of tiny homes, portable buildings being converted into dwellings, and similar structures on the City's residential neighborhoods; and

WHEREAS, the City Council finds that it is necessary and in the best interest of the public health, safety, and welfare to establish a temporary moratorium on the placement of such structures within the City limits until the completion of the study and the adoption of appropriate regulations, if any.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA AS FOLLOWS:

Section 1. Moratorium Established.

A. The City of Geneva hereby establishes a one-year moratorium on the placement, installation, or use of tiny homes, portable buildings and storage containers being converted into dwellings, and similar structures within the City limits.

B. During the term of this moratorium, the City shall not accept, process, or approve any applications for permits, licenses, or approvals related to the placement, installation, or use of tiny homes, portable buildings being converted into dwellings, or similar structures within the City limits.

C. This moratorium applies to both new structures and existing structures not previously approved by the City, subject to the following provisions:

1. Existing structures that have been lawfully permitted and approved by the City prior to the effective date of this Ordinance shall be allowed to remain in place for the duration of the moratorium.

2. Owners of existing structures that have not been previously approved by the City shall have 90 days from the effective date of this Ordinance to apply for a temporary exemption, which may be granted at the sole discretion of the City Council based on the criteria outlined in Section 5 of this Ordinance.

Section 2. Definitions.

A. "Tiny home" shall mean a dwelling unit that is 400 square feet or less in size, designed and constructed to be transported on a permanent chassis and placed on a temporary or permanent foundation.

B. "Portable building" and "storage container" shall mean a structure that is designed to be easily moved or transported and is not permanently affixed to the ground.

C. "Similar structure" shall mean any other type of dwelling unit or accessory structure that is substantially similar in size, mobility, or construction to a tiny home or portable building.

Section 3. Study of Impacts.

A. During the term of this moratorium, the City shall conduct a comprehensive study to evaluate the potential impacts of tiny homes, portable buildings being converted into dwellings, and similar structures on the City's residential neighborhoods. The study shall focus on the following areas:

1. The effects of such structures on property values, including any potential impacts on surrounding properties.
2. The impact on the City's infrastructure, including the capacity and demand for public services such as utilities, waste management, and emergency response.
3. The compatibility of these structures with the character and aesthetics of the City's established residential neighborhoods.
4. The potential effects on the availability and affordability of housing within the City.
5. The environmental impacts, including energy efficiency and sustainability considerations.
6. The economic impacts on the City, including potential changes in tax revenue and development patterns.

B. The City shall engage with a diverse group of stakeholders to gather input and data for the study, including but not limited to:

1. Residents
2. Builders and real estate professionals
3. Affordable housing advocates and community organizations
4. Environmental and sustainability experts
5. Local business owners and economic development organizations

C. The City shall consider best practices and approaches from other municipalities that have addressed similar issues, including collaboration with regional planning organizations and industry groups to share knowledge and resources.

D. The City shall adhere to the following timeline for the study and subsequent actions:

1. Months 1-3: Stakeholder engagement and data collection
2. Months 4-6: Analysis of collected data and drafting of preliminary findings
3. Month 7: Presentation of preliminary findings to the City Council and the public
4. Months 8-9: Public comment period and refinement of study results
5. Month 10: Presentation of final study results and recommendations to the City Council
6. Months 11-12: City Council deliberation and development of proposed regulations, if any

E. The City shall provide regular updates on the progress of the study through one of the following means:

1. Monthly progress reports posted on the City's website and made available at City Hall
2. Quarterly public meetings to present updates and gather additional input
3. A dedicated email address and phone line for residents to submit questions and comments throughout the study process

F. Upon completion of the study, the City Council shall consider the findings and determine whether to adopt appropriate regulations, policies, or other measures to address the impacts of tiny homes, portable buildings, and similar structures within the City's residential neighborhoods.

Section 4. Enforcement and Penalties.

A. Any person who violates the provisions of this Ordinance by placing, installing, or using a tiny home, portable building, or similar structure within the City limits during the term of the moratorium shall be subject to a civil penalty of not less than \$500 per violation, with each day of continued violation constituting a separate offense.

B. The City may also seek injunctive relief to compel compliance with this Ordinance and may recover its reasonable attorney's fees and court costs in any successful enforcement action.

C. The City shall establish a dedicated enforcement team to monitor compliance with this Ordinance and respond to complaints or reports of violations in a timely manner.

Section 5. Exceptions.

A. The City Council may, in its sole discretion, grant an exception to the moratorium established by this Ordinance upon a finding that the proposed tiny home, portable building, or similar structure will not have a significant adverse

impact on the surrounding residential neighborhood. The City Council shall consider the following criteria when evaluating exception requests:

1. Compatibility with the existing neighborhood character and aesthetics
2. Potential impacts on property values and infrastructure
3. Compliance with applicable building codes and safety standards
4. Demonstrated hardship or unique circumstances that justify the exception

B. Any request for an exception shall be submitted to the City in writing and shall include:

1. A detailed description of the proposed structure
2. A site plan showing the proposed location and any relevant site features
3. Photographs or renderings of the proposed structure and its surroundings
4. A statement addressing how the proposed structure meets the criteria outlined in Section 5.A
5. Any other information the City may require to evaluate the potential impacts

C. The City shall provide a response to the exception request within 30 days of its submission. If the City Council grants an exception, it may impose conditions or requirements to mitigate any potential adverse impacts.

D. The City shall maintain a public record of all exception requests and the City Council's decisions on such requests, which shall be available for inspection at City Hall and posted on the City's website.

Section 6. Assistance and Guidance.

A. During the term of the moratorium, the City shall provide comprehensive information and guidance to residents and developers regarding:

1. The purpose and scope of the moratorium
2. The timeline and process for the City's study
3. Alternative housing options that comply with existing regulations
4. The City's long-term plans for regulating tiny homes, portable buildings, and similar structures

B. The City shall offer assistance to residents and developers in identifying suitable sites and navigating the development process for structures that may be permitted after the completion of the study and the adoption of any new regulations. This assistance shall include any of the following:

1. Pre-application consultations with City planning staff or a designated appropriate city official
2. Informational workshops on zoning regulations and building codes

C. The City shall provide a 30-day public comment period following the presentation of the final study results, during which residents may submit written comments or speak at designated City Council meetings.

D. All materials related to the study, including raw data, analysis, and recommendations, shall be made available to the public through the City's website and or at City Hall, subject to any applicable privacy or confidentiality restrictions.

Section 8. Effective Date, Expiration, and Sunset Provision.

A. This Ordinance shall take effect immediately upon its adoption and shall remain in effect for a period of one (1) year from the effective date, unless otherwise extended or repealed by the City Council.

B. This Ordinance shall automatically expire upon the earlier of:

1. One year from its effective date; or

The date on which the City Council adopts new regulations based on the findings of the study, unless the City Council takes affirmative action to extend the moratorium.

C. If the City Council has not adopted new regulations within 30 days of the expiration of this Ordinance, the moratorium shall be lifted, and the City shall resume processing applications for tiny homes, portable buildings, and similar structures under the regulations in effect prior to the adoption of this Ordinance.

Section 9. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 10. Conflicts.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 11. Compliance with State Law.

This Ordinance has been reviewed and determined to be in compliance with all applicable state laws and regulations related to zoning, land use, and the regulation of tiny homes and similar structures, including but not limited to [specific state statutes or regulations]. In the event of any conflict between this Ordinance and state law, the provisions of state law shall control.

ADOPTED AND APPROVED on this ____ day of July, 2025.

The City of Geneva, Alabama

By: David Hayes
David Hayes, Mayor

ATTEST:

Lisa Johnson
Lisa Johnson, City Clerk