

Ordinance 1907

AN ORDINANCE AMENDING ORDINANCE NO. 1882, THE TALLADEGA, ALABAMA ZONING ORDINANCE, TO ESTABLISH A HISTORIC PRESERVATION ZONING OVERLAY DISTRICT TO PROVIDE FOR THE PROTECTION, PRESERVATION AND REHABILITATION OF HISTORIC PROPERTIES AND HISTORIC DISTRICTS AS FOLLOWS, AND IN NO OTHER PARTICULARS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TALLADEGA, ALABAMA, AS FOLLOWS:

WHEREAS, the Talladega City Planning Commission has adopted and presented to the City Council of said City a Resolution reciting that, after due consideration, it recommends that Ordinance No. 1882, entitled “The Talladega, Alabama, Zoning Ordinance, 2020” amended as hereinafter set out; and,

WHEREAS, the City Council of the City of Talladega, Alabama, desires to concur in and act upon said recommendation as provided by law in such cases, and;

WHEREAS, all preliminary requirements as in such cases provided by law have been complied with;

NOW, THEREFORE, be it ordained by the City Council of the City of Talladega, Alabama, that Ordinance No. 1882 entitled “The Talladega, Alabama, Zoning Ordinance, 2020” be, and the same is, modified, changed and amended as follows:

SECTION I:

That Section 601 of ARTICLE 6 be amended to read as follows:

Establishment of Zoning Districts

Section 601. District Designations.

For the purpose of this ordinance, the City of Talladega, Alabama, is hereby divided into the following regular and special zoning districts:

Regular Districts

R-1A	Rural Residential Agricultural
R-2	Rural Residential
R-3	Single Family Residential
R-4	Low-Density Multi-Family Residential
R-5	Medium-Density Multi-Family Residential
R-6	High-Density Multi-Family Residential
MHP	Manufactured Home Park
C-1	Neighborhood Commercial
C-2	Central Business
C-3	General Commercial
C-4	Shopping Center District
O&S	Offices and Services
I-P	Institutional Park
I-1	Industrial
I-2	Industrial, Heavy

Special Districts

PUD	Planned Unit Development
MHA	Manufactured Home Area
FHZ	Flood Hazard Zone
ORA	Outdoor Recreation Area
HPZOD	Historic Preservation Zoning Overlay District

SECTION II:

That ARTICLE 25 is amended to read as follows:

Section 2501. Purpose

The City Council of the City of Talladega, Alabama finds and determines that the historical, cultural and aesthetic heritage of the City of Talladega is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and,

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and, thereby, promote and stimulate business; and,

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and,

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The City Council of the City of Talladega, Alabama, hereby declares it to be the purpose and intent of this ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value.

Section 2502: Definitions

- A. “Certificate of Compliance” – Means a document evidencing approval by the Building Inspector of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- B. “Exterior Architectural Features”- Means the architectural style, general design and general arrangement of the exterior of a building or other structure, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.
- C. “Exterior Environmental Features”- Means all those aspects of the landscape or the development of a site which affect the historical character of the property.
- D. “Historic District”- Means a geographically definable area designated by the City Council as a historic district.
- E. “Historical Property”- Means an individual building, structure, site object or work of art, including the adjacent area necessary for the property appreciation thereof, designated by the City Council as a historic property.
- F. “Material Change in Appearance”- Means a change that will effect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as:
 - 1. A reconstruction or alteration of the size, shape, or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
 - 2. Demolition or relocation of a historic structure;
 - 3. Commencement of excavation for construction purposes;
 - 4. A change in the location or advertising visible from the public right-of-way; or
 - 5. The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

Section 2503: Application to Building Inspector for Certificate of Compliance (COC)

- A. Approval of Alterations, Demolitions or New Construction in Historic Districts or Involving Historic Properties:

After the designation by ordinance of a historic property or a historic district, no historic property may be demolished, no building or structure in a historic district may be erected or demolished and no material change in the exterior appearance of such historic property, or of a structure, site, object or work of art within such historic district shall be made or be permitted to be made by the owner or

occupant thereof, unless or until the application for a Certificate of Compliance (COC) has been submitted to and approved by the Building Inspector.

B. Approval of New Construction within Designated Districts:

The Building Inspector shall issue COCs to new structures constructed within designated historic districts if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the Building Inspector.

C. Approval of Signs within Designated Districts:

Signs shall be considered as structures and no sign on a historic property or in a historic district shall be changed, erected or demolished, unless and until a COC is approved by the Building Inspector.

D. Approval of Alterations or Demolitions of Public Property within Historic Districts or Public Property which has been designed as a Historic Property:

The requirement of a COC shall apply to public property which has been designated as a historic property or which is contained in a historic district, and shall apply to all actions by public authorities which involve historic properties and properties within historic districts.

E. Approval of Painting Originally Unpainted Surfaces:

The painting of originally unpainted surfaces shall require a COC.

F. Interior Alterations:

In a review of applications for COC, the Building Inspector shall not consider interior arrangement or use having no effect on exterior architectural features.

G. Failure to Maintain a Historic Property:

Demolition by neglect and the failure to maintain a historic property or a structure in a historic district shall constitute a change for which a COC is necessary.

H. Guidelines and Criteria for Certificate of Appropriateness (COC):

The Building Inspector shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for COCs. The Building Inspector shall also adopt general design standards which shall apply in considering the granting and denial of COCs. Design standards shall be in compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects," including the Secretary's "Standards for Rehabilitation."

I. Submission of Plans to Building Inspector:

An application for COC shall be accompanied by such drawings, photographs, plans and other documentation as may be required by the Building Inspector. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.

J. Acceptable Building Inspector Reaction to Applications for Certificate of Compliance:

1. The Building Inspector shall approve the application and issue a Certificate of Compliance if the Building Inspector finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the Building Inspector shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.

2. The Building Inspector shall deny a COC if the Building Inspector finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The Building Inspector shall not grant COCs for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

K. Public Meetings and Hearings on Applications for Certificates of Compliance:

In cases where the Building Inspector deems it necessary, Building Inspector may hold a public hearing concerning the application.

L. Deadline for Approval or Rejection of Application for Certificate of Compliance:

1. The Building Inspector shall approve or reject an application for a COC within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a historic structure, site, object or work of art located within a historic district. Evidence of approval shall be by a COC issued by the Building Inspector. Notice of the issuance or denial of a COC shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Building Inspector.
2. Failure of the Building Inspector to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

M. Necessary Actions to be taken by Building Inspector upon Rejection of Application for Certificate of Compliance:

1. In the event the Building Inspector rejects an application, the Building Inspector shall state the reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The Building Inspector may suggest alternative courses of action that the Building Inspector thinks proper if the application submitted is not approved. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a COC by the Building Inspector shall be binding upon the Building Inspector or other administrative officer charged with issuing building permits and, in such cases, no building permit shall be issued.

N. Appeals:

Any person having a request for COC denied by the Building Inspector may appeal such denial to the Board of Adjustment and Appeal.

O. Recording of Applications for Certificate of Compliance:

The Building Inspector shall keep a public record of all applications for Certificates of Compliance and of all the Building Inspector's proceedings in connection with said applications.

P. Requirements of Conformance with Certificate of Compliance:

1. All work performed pursuant to an issued COC shall conform to the requirements of such certificate. In the event the work performed is not in accordance with such certificate, the Building Inspector shall issue a cease-and-desist order and all work shall cease.
2. The City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

Q. Certificate of Compliance Void if Construction not Commenced:

A Certificate of Compliance shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Compliance shall be issued for a period of eighteen (18) months and are renewable.

R. Technical Advice:

The Building Inspector shall have the power to seek technical advice from qualified persons who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, on any application.

Section 2504. Maintenance of Historic Properties

A. Expedited Review Procedures for Approval of Routine Maintenance:

The Building Inspector may adopt expedited review procedures for approval of routine maintenance to historic properties or to buildings or structures in historic districts. Routine maintenance to historic properties includes ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form that does not involve a material change in design, material or outer appearance. Expedited review procedures shall waive the requirements for submission of an application for a Certificate of Compliance and for consideration at a public meeting.

B. Failure to Provide Ordinary Maintenance or Repair:

Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Building Inspector shall be charged with the following responsibilities regarding deterioration by neglect:

1. The Building Inspector shall monitor the condition of historic properties and existing buildings in historic districts to determine if the properties or buildings are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Building Inspector determines a failure to provide ordinary maintenance or repair, the Building Inspector will notify the owner of the property and set forth the steps that need to be taken to remedy the situation. The owner of such property will have ninety (90) days within which to initiate the maintenance or repair.
3. In the event that the condition is not met in ninety (90) days, the owner shall be punished as provided in Section 2506 of this ordinance, and at the direction of the City Council, the Building Inspector may determine cause for such maintenance or repair as is necessary to prevent deterioration by neglect to be performed by City staff or by contract. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Building Inspector.

Section 2505: Building and Zoning Code Provisions

A. Affirmation of Existing Building and Zoning Codes:

Nothing in this ordinance shall be construed as to exempt property owners from complying with existing City building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

Section 2506: Penalty Provisions

Any person violating any provision of this ordinance shall, upon conviction, be punished by a fine of not less than One Dollar (\$1.00), nor more than Five Hundred Dollars (\$500.00). In addition, thereto, any person so convicted may be imprisoned or sentenced to hard labor for the City for a period

not exceeding six (6) months, at the discretion of the court trying the case; provided, however, that no penalty shall consist of a fine or sentence of imprisonment exceeding the maximum established under State law for the Building Inspector of substantially similar offenses.

Section 2507: Severability

In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Section 2508. Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION III. Effective Date

This ordinance shall take effect immediately upon its passage and publication, as provided by law.

ADOPTED AND APPROVED this the 6th day of May, 2022.

Council President Horace Patterson
Council Member Vickey Hall
Councilman Joe Power
Council Member Betty Spratlin
Councilman Trae Williams
City Manager Seddrick Hill
Attested to: Joanna Medlen, City Clerk