

ORDINANCE NO. 1704

AN ORDINANCE AMENDING ORDINANCE NUMBER 1120, AS AMENDED BY ORDINANCES HERETOFORE ADOPTED, SAID ORDINANCE, AND THE AMENDMENTS RELATED THERETO, BEING ENTITLED “TALLADEGA, ALABAMA, ZONING ORDINANCE”, AS FOLLOWS; AND IN NO OTHER PARTICULARS:

WHEREAS, the Talladega City Planning Commission has adopted and presented to the City Council of the City of Talladega a Resolution reciting that, after due consideration, it recommends that Ordinance Number 1120, entitled “Talladega, Alabama Zoning Ordinance” as amended by Ordinances heretofore adopted, be further 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, as follows:

SECTION I.

To the extent that any part of Article III, Definitions of the Talladega, Alabama Zoning Ordinance is in conflict with the provisions of this Ordinance they are hereby repealed.

SECTION II.

The purpose of this Ordinance is to set forth an equitable standard for home occupations within the City Limits of the City of Talladega.

SECTION III. Definition and Standards for Home Occupations

Section 1 - Definition

Home Occupation - A routine and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building in a residential district that:

- A.** Is conducted by a permanent resident of the dwelling or a maximum of one non-resident working on the premises at any one point in time.
- B.** Does NOT include the following: retail or wholesale sales (other than over the phone/internet or through the mail), industrial use (other than custom crafts and sewing), veterinarian or medical office, non-household stable, kennel, funeral home, restaurant, mechanical auto repair or body work, spray painting of vehicles, trucking company terminal, welding, pesticide company, hotel or motel, manufacturing (other than custom crafts such as ceramics) or boarding house.
- C.** Uses permitted as home occupation include, but are not limited to: art studio, office-type work (such as writing, editing, drafting, website design), custom sewing, tax preparation, catering for off-site consumption, musical instruction, or tutoring of one student at a time.

Section 2 - Standards

- A.** Burden of proof shall be upon the applicant to prove that possible nuisances and traffic would not disturb the residential environment. The Commission may determine that a particular type or intensity of use is unsuitable to be a home occupation or that the proposed lot area or setbacks are not sufficient.
- B.** The home occupation shall be conducted completely indoors, and may be within a principal or accessory residential building. The total amount of floor area of all buildings used for a home occupation shall not be greater than 25% of the total floor area of the principal dwelling unit.
- C.** There shall be no outdoor operations or outdoor storage of materials, products, or equipment. If the home occupation involves work occurring on a vehicle(s), such vehicle will not be parked on the lot or on abutting streets overnight.
- D. Signs and Displays** - There shall be no use of show windows, business display, or advertising visible from the outside of the premises that would encourage customers or salespersons to come to the property without an appointment. One non-illuminated sign with the maximum sign area

of one (1) square foot (12 in by 12 in) will be allowed on the side(s) of the building facing a street(s).

E. Traffic and Parking - The use shall not routinely involve the arrival at the property for the business purposes of more than four non-residents at one time and the use shall not require a need for parking beyond what is typically provided for a dwelling.

F. Nuisances - No machinery or equipment shall be permitted that produces noise, noxious odor, vibration, glare, electrical, radio, or electromagnetic interference beyond the boundary of the property. Only general types and sizes of machinery that are typically found in dwellings for hobby or domestic purposes shall be permitted. No use shall generate noise or glare in excess of what is typical in a residential neighborhood.

G. Building Appearance - The exterior of the building and the lot shall not be changed in such a way as to decrease its residential appearance, except for permitted parking spaces and the permitted sign.

H. Hours of Operation - A home occupation shall not be conducted in a way that is perceptible in external effects (such as, but not limited to noise, odors, and traffic) from beyond the lot line between the hours of 9:00 pm and 7:30 am.

I. Hazardous Substances - The use shall not involve the storage or use of hazardous, flammable, or explosive substances, other than types and amounts commonly found in a dwelling. The use shall not involve the use or storage of toxic substances.

Section 3 - Nonconforming Uses

All home occupations within the City Limits of the City of Talladega that do not meet the standards above prior to the adoption of this Ordinance will be considered nonconforming uses in accordance with Article XXVIII of this Ordinance.

SECTION IV.

All sections of this Ordinance are hereby declared to be severable, and if any word, phrase, clause, sentence, paragraph, section or article of this Ordinance shall be declared unconstitutional or invalid by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining works, phrases, clauses, sentences, paragraphs, sections of articles of this Ordinance.

SECTION V.

This Ordinance shall take effect immediately upon the passage and publication of the same.

APPROVED AND ADOPTED on the 15th day of August 2011.

Council President Patterson
Councilman Donnie Miller
Councilman Eddie Tucker
Councilwoman Elizabeth Grissett
Councilman Jimmy Davis

Attested by Elizabeth Cheeks, City Clerk