

City of Talladega - Zoning Ordinance

Ordinance No. 1120

ARTICLE I

Preamble and Enactment

In pursuance of authority conferred by Title 11, Chapter 52, Article 4, Sections 70 to 83 inclusive, Code of Alabama 1975, as amended, and for the purposes of promoting the health, safety, morals, public peace, order, or general welfare of the City of Talladega, Alabama; lessening congestion in the streets, securing safety from fire panic, and other dangers; providing adequate light and air, preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the City; all in accordance with a comprehensive plan, the City Council of the City of Talladega, Alabama, does hereby ordain and enact into law the following:

ARTICLE II

Short Title

This Ordinance shall be known and may be cited as “The Talladega, Alabama Zoning Ordinance.”

ARTICLE III

Definitions

Except as specifically defined herein all words used in this Ordinance have their customary dictionary definitions. For the purpose of this Ordinance, certain words or terms are hereby defined.

Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular.

The word “shall” is mandatory.

The word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The word “building” includes the word “structure.”

The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

Accessory Use- A use customarily incidental and subordinate to the principal use of a lot and located on the same lot as such principal use.

Alley- A public service way which affords only a secondary means of access to the rear or side of abutting property and not intended for general traffic circulation.

Buffer- A densely planted strip of evergreen shrubs or trees, or solid fencing, or a drainage way, or a difference in elevation, or a similar condition, or any combination thereof, of sufficient height and density to block the view across the buffer.

Building- Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property.

Building Accessory- A subordinate building or a portion of the principal building, the use of which is incidental to the dominant use of the principal building on the same lot.

Building Height- The vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for flat roofs, to the mean height level between eaves and ridges for gable, hip, and gambrel roofs, and to the deck line of a mansard roof.

Building, Principal- A building in which is conducted on the main or dominant use of the lot on which said building is situated.

Building Setback Line- A line establishing the minimum allowable distance between the nearest portion of any building or structure, excluding steps, gutters, and similar fixtures on a building, and the right of way line of the abutting street.

City Council- The City Council of the City of Talladega, Alabama.

Cluster Development- A residential development where a number of dwelling units are grouped together in order to maximize amenities such as open space and recreational facilities.

Condominium- A multi-unit residential structure where it is possible to acquire legal ownership of a unit without title to the land on which it is located.

Dilapidated Structure- A substandard structure in need of major repairs to the extent that the structure is unsafe for habitation or is beyond economically feasible rehabilitation.

Dwelling- A building or portion thereof designed, arranged, or used principally for residential occupancy, but not including mobile homes.

Dwelling Unit- A dwelling or a portion thereof providing separate facilities for one or more persons living as a non-profit single housekeeping unit.

Family- One or more persons occupying a dwelling or mobile home and living as a single housekeeping unit, as distinguished from person occupying a boarding or rooming house, hotel, motel, or other group quarters.

Flood Hazard Area- Any land area that is susceptible to inundation by water from any source.

Floodway- The portion of the flood plain required in order to discharge the 100-year flood without raising the water surface elevation more than one foot above the base flood level at any point.

Home Occupation- An occupation for gain or support incidental to the use of the premises for residential purposes conducted only by members of a family residing on the premises and conducted entirely within a dwelling or accessory building, in connection with which there is no advertising of any nature other than one non-illuminated accessory sign not exceeding two square feet in area. No occupation shall be allowed which is considered a nuisance or interference to the residential qualities of a neighborhood as determined by the Planning Commission

Lot- An unsubdivided parcel or portion of land occupied or intended to be occupied by a common use, or occupied or intended to be occupied by a building or group of buildings devoted to similar or complementary uses, together with the customary accessory buildings and uses and open spaces belonging to the same; includes the terms “plot” and “parcel.” The establishment of lease or rental lines shall not define separate lots for purposes of this Ordinance.

Lot Width- The shortest distance between the side lines of a lot, measured along the building setback line.

Main Street Frontage- Frontage of a lot as identified in the official street address of the parcel.

Mobile Home- Any vehicle or similar structure originally designed or intended to be portable and so constructed as to permit occupancy for dwelling or sleeping purposes, sometimes called “house trailers,” but not including a trailer temporarily parked on the site of a construction project, nor a trailer designed and intended to be used occasionally for recreation purposes.

Mobile Home Park- Any lot on which two or more mobile homes are located and occupied.

Net Area- The total area of a site minus the street area.

Nonconforming Use- A structure or lot lawfully occupied by a use that is not permitted in the zoning district in which it is situated.

Nuisance- Any use or activity which is obnoxious, annoying, or offensive (such as a use or activity which creates noise, odors, vibration, or traffic congestion and negatively impacts the community in terms of health, safety, morals, conveniences, and general welfare).

Open Space- Space which is not occupied by a building or structure.

Planning Commission- The City Planning Commission of the City of Talladega, Alabama.

Registered Historic District- Area identified in the National Register of Historic Places.

Regular Zoning District- A zoning district which is delineated on the base zoning map.

Sign, Accessory-

- a. A non-illuminated professional or identification sign not exceeding two (2) square feet in area.
- b. A temporary sign pertaining only to the rent, lease, development, construction of improvements, or sale of the premises upon which it is displayed, and which does not exceed twelve (12) square feet in area.

- c. A temporary sign not exceeding twelve (12) square feet in area pertaining to a special or unique event, such as a promotional campaign of a business or a political campaign, of a limited duration.
- d. A Sign not in excess of twelve (12) square feet located on the premises of a church, institution, or club, which sign displays the name of and information about same.
- e. A directional or informational sign of a public nature which states the name or location of an incorporated or unincorporated community, gives information or directions to vehicular traffic, or otherwise transmits essential information to the public on behalf of a governmental entity.
- f. A directional or informational sign of a quasi-public nature not exceeding eight (8) square feet in area which states the name or location of a public or private institution.

Sign, Area of- The area enclosed within the outer dimensions of the sign surface, provided that where the sign is composed of letters, symbols or other images having open spaces between the separate elements, thereof, or having a background the same color as the building upon which placed or painted, thus forming an irregular outline, the area shall be computed by enclosing the outer edges of the outermost sign characters by a set of straight lines and taking the area of the figure formed thereby.

Sign, Attached- Any non-movable sign of durable construction and materials supported by, attached to, painted upon, or otherwise structurally dependent upon another structure or building for support or display surface.

Sign, Free-Standing- Any non-movable sign of durable construction and materials supported or fixed in any permanent manner upon or into the ground and not attached to any other structure or building.

Sign, Outdoor Advertising- An attached or free-standing outdoor advertising structure for the purpose of conveying some information or knowledge to the public. Such a structure may be double-faced but shall not be two signs faces side by side nor be V-shaped.

Sign, Principal Use- An attached, free-standing or structural sign pertaining only to the advertising, announcing or describing of the principal use of the premises upon which it is displayed. Such a sign may be double-faced, but shall not be two sign faces die by side or be V-shaped.

Sign, Temporary- Any sign or other advertising display using light or non-durable construction and materials such as cloth, canvas, or cardboard, with or without frames, intended to be displayed for a short period of time only, whether movable or fixed in place; provided, that any movable or portable sign or advertising display shall be defined as a temporary sign for the purposes of this Ordinance.

Special Zoning District- A zoning district outlined on the overlay of the zoning map.

Street- A public way for vehicular traffic which is opened to the general public and which affords the principal means of access to abutting property.

Thoroughfare- A Street designated as a "Thoroughfare" by the use of symbols on the Zoning Map.

Townhouse- Buildings containing only 1 or 2 dwelling units, with 3 or more buildings attached to each other by party walls without openings. Side yards shall be required only at the end of rows of attached dwellings. In districts where permitted, the lot area of each building must be at least equal to the minimum lot area of that district.

Yard- A space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

Yard, Front- A yard extending the full width of the lot, and situated between the right-of-way line of the abutting street and the nearest point of the principal building.

Yard, Rear- A yard extending the full width of the lot from the rear of the lot to the nearest point of the principal building.

Yard, Side- A yard situated between the nearest point of the principal building and the side line of the lot, generally extending from the rear line of the front yard to the front line of the rear yard.

Zoning District- A section of the City of Talladega, for which the zoning regulations are uniform, as delineated on the Zoning Map.

Zone Map- The “Talladega, Alabama Zoning Map” which includes a base map of the regular zoning districts and an overlay of the special zoning districts.

ARTICLE IV

Application of Regulations

Section 401. Jurisdiction. The provisions of this Ordinance shall govern the location and use of buildings, structures, and land within the incorporated areas of Talladega, Alabama.

Section 402. Use. Except as hereinafter provided, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved, or altered except for a use permitted within the zoning district in which it is located.

Section 403. Height and Density. Except as hereinafter provided, no building shall hereafter be erected or altered so as to exceed the height limit for the zoning district in which it is located, nor shall any building or lot be used or occupied hereafter for more families than permitted in the zoning district in which it is located.

Section 404. Yard Occupancy. Except as hereinafter provided, no building shall hereafter be erected or altered so as to occupy any yard required, for any other building, nor shall any side, rear, or front yard be narrower or smaller than is required for the zoning district in which it is located.

Section 405. Yard Use Limitation. Except as hereinafter provided, no yard or other open space provided, nor the off-street parking or loading spaces required, about any building for the purpose of complying with the regulations of this Ordinance shall hereafter be included as a part of a yard or other open space or the off-street parking or loading spaces for any other building.

ARTICLE V

General Provisions

Section 501. One Principal Building Per lot. Within residential zoning districts, excepting group developments as provided for in Section 2904, no more than one principal building with its customary accessory buildings may occupy or be constructed upon, any lot.

Section 502. Reduction in Lot Area. No lot may be reduced in area below the minimum lot area as specified herein for the zoning district within which said lot is located.

Section 503. Yard Requirements of Accessory Buildings. The minimum yard requirements of this Ordinance also apply to accessory buildings. However, accessory buildings may be located within rear yards to within five feet of a rear or side lot line.

Section 504. Attachment of Accessory Buildings to Principal Buildings. When an accessory building is attached to the principal building by a breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is attached.

Section 505. Distance Between Buildings. Except as herein provided, no accessory building shall be located closer than ten feet to a principal building or to any other accessory building.

Section 506. Frontage on Corner Lots and Double Frontage Lots. On lots having frontage on more than one street, the minimum front yard shall be provided for each street in accordance with the provisions of this Ordinance.

Section 507. Access to Streets. No building for human occupancy shall be erected without unrestricted vehicular access to a public street.

ARTICLE VI

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-1 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
- M-H Mobile 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
M-1	Limited Industrial
M-2	General Industrial

Special Districts

PUD	Planned Unit Development
MHA	Mobile Home Area
FHZ	Flood Hazard Zone
HPA	Historical Preservation Area

Section 602. Zoning District Boundaries. The boundaries of the various zoning districts are hereby established as shown on the Zoning Map. The Zoning Map shall include a base map which identifies the location of the regular districts and an overlay to the base map which outlines the boundaries of the special districts. The Zoning Map and all explanatory matter thereon accompany and are hereby made a part of this Ordinance. The official copies of the zoning map shall be on file in the office of the City Clerk.

Section 603. Interpretation of Zoning District Boundaries. Where uncertainty exists as to the boundaries of any zoning district shown on the Zoning Map the following rules shall apply:

1. Where boundaries are indicated as approximately following street, alley, or highway lines, land district lines, creek lines, or lot lines, such lines shall be construed to be such boundaries.
2. In unsubdivided property or tracts, where a boundary divides a lot, the location of such a boundary, unless indicated by dimensions or as specified in Subsection 1 above, shall be determined by use of the scale appearing on the Zoning Map.
3. In case any further uncertainty exists, the Planning Commission shall determine the location of boundaries.
4. Where a public road, street, or alley is officially vacated or abandoned, the zoning district regulations shall apply to the land within such vacated or abandoned road, street, or alley.
5. Where boundaries are indicated as being approximately parallel to the centerline or right-of-way lines of streets, alleys, or highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map.

ARTICLE VII

R-1 Agricultural Zoning District

Section 701. Locational Intent. The R-1 zoning district is to be used in areas that do not yet have public water and sewage service, thereby requiring large lot sizes in order to avoid contamination of the ground water supply.

Section 702. Uses Permitted.

One-family dwellings.

Agricultural, dairying, and poultry and livestock raising, provided that buildings used for housing fowl or animals, storing grain or feed or processing products shall not be located closer than 100 feet to any property line.

Non-commercial agriculture, and poultry, horse and livestock raising as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof; provided that all related accessory buildings are located in the rear yard.

Riding stables and academies, provided that any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than 100 feet to any property line.

Temporary or portable sawmills for the cutting of timber on the surrounding land, provided that machine operations are not located closer than 200 feet to any property line.

Sale of products and commodities raised on the premises only, provided that any structure used for such sales shall not be closer than 30 feet to the front or side property lines.

Accessory uses and buildings, including accessory signs.

Principal use signs.

Home occupations.

Public or private schools and publicly-owned and operated community structures and lands.

Public utility structures and lands.

Privately-operated, pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides to a height of at least four feet.

Churches and other similar places of worship.

Cemeteries.

Public or private golf courses.

Public or private fishing clubs, gun clubs, and other similar recreational enterprises when located on at least ten acres and all activities are located at least 200 feet from any property line.

Athletic fields or stadiums, race tracks, and speedways and other recreational areas for public uses, including golf driving ranges, swimming pools, fishing lakes and similar recreational uses, when located on at least ten acres.

Airplane landing fields and helicopter ports and accessory facilities for private or public use, including flight strips, when located on at least ten acres.

Development of natural resources including the removal of minerals and natural materials, together with necessary buildings, machinery, and appurtenances thereto, provided:

1. Any extension of quarrying or other extractive operations beyond the limits actually being quarried at the effective date of this Ordinance shall be considered as a new operation.
2. Quarries and other extractive areas being excavated shall be entirely enclosed within a fence located at least ten feet back from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and livestock from such areas.
3. Buildings, machinery and other appurtenances shall not be located closer than 200 feet to any property line.
4. At the time of obtaining permits, the operators or owners of any areas to be excavated shall file plans for the re-use of the property at the cessation of the operation.
- 5.

Commercial kennels and the raising of other small animals for sale, provided that no portion of a building, structure, outdoor run or pen used to house or exercise such animals shall be located closer than 100 feet to any property line.

Off-street parking and loading spaces for vehicles in an operating condition only as an accessory use.

Section 703. Minimum Building Site.

Width: 250 feet

Depth: 250 feet

Area: Unless otherwise specified, two acres; however, larger lot sizes may be required by the Talladega County Health Department, if ground water surveys and percolation tests so indicate.

Section 704. Minimum Yards.

Building Setback Line:

50 feet from the right-of-way line of a thoroughfare.

40 feet from the right-of-way line of any other street.

Side: 15 feet

Rear: 40 feet

Section 705. Maximum Building Height.

Three stories or 45 feet, whichever is less.

Section 706. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE VIII

R-2 Rural Residential Zoning District

Section 801. Locational Intent. The R-2 zoning district is to be used in areas that have public water supply but not public sewage service, thereby requiring large lots so that private sewage disposal systems may function properly.

Section 802. Uses Permitted.

One-family dwellings.

Agriculture, dairying, and poultry and livestock raising, provided that buildings used for housing fowl or animals, storing grain or feed, or processing products shall not be located closer than 100 feet to any property line.

Non-commercial agriculture, and poultry, horse, and livestock raising as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the rear yard.

Riding stables and academies, provided that any structure, pen or corral housing animals (but not including grazing areas) shall not be closer than 100 feet to any property line.

Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

Cemeteries.

Schools, public or private.

Churches, and similar places of worship.

Home occupations.

Accessory uses and buildings.

Accessory signs.

Principal use signs.

Public utility structures and lands.

Private or public golf courses.

Off-street parking and loading spaces for vehicles in an operating condition only as an accessory use.

Public or private pre-schools, day nurseries and kindergartens (all play areas must be enclosed on all sides to a height of at least four feet) provided that the City Planning Commission reviews the site location and makes a recommendation to the City Council for the final approval or denial of the proposed location.

Section 803. Minimum Building Site.

Width: 100 feet

Depth: 200 feet

Area: Unless otherwise specified, 20,000 square feet; however, a larger lot size may be Required by the Talladega County Health Department if percolation tests so indicate.

Section 804. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other street.

Side: 10 feet

Rear: 40 feet

Section 805. Maximum Building Height.

Three stories or 45 feet, whichever is less.

Section 806. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE IX

R-3 Single-Family Residential Zoning District

Section 901. Locational Intent. The R-3 zoning district requires that both public water and public sewage service be available.

Section 902. Uses Permitted.

One family-dwellings.

Non-commercial agriculture and gardening as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the rear yard.

Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

Cemeteries.

Schools, public and private.

Churches and similar places of worship.

Home occupations.

Accessory uses and buildings.

Accessory signs.

Principal use signs.

Public utility structures and lands.

Private or public golf courses.

Off-street parking and loading spaces for vehicles in an operating condition only as an accessory use.

Public or private pre-schools, day nurseries and kindergartens (all play areas must be enclosed on all sides to a height of at least four feet), provided that the City Planning Commission reviews the site location and makes a recommendation to the City Council for the final approval or denial of the proposed location.

Section 903. Minimum Building Site.

Width: 85 feet
Depth: 120 feet
Area: 11,000 square feet

Section 904. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other street.

Side: 10 feet

Rear: 40 feet

Section 905. Maximum Building Height.

Three stories or 45 feet, whichever is less.

Section 906. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE X
R-4 Low Density Multi Family
Residential Zoning District

Section 1001. Uses Permitted.

The same uses as permitted in the R-3 zoning district.

Two-family dwellings.

Cluster developments.

Boarding or rooming houses.

Section 1002. Minimum Building Site.

Width:

75 feet for single-family detached dwellings and boarding and rooming houses.

85 feet for two-family dwellings.

Depth: 100 feet.

Area: 8,000 square feet for single-family detached dwellings and boarding and rooming Houses.

4,500 square feet per single-family attached dwelling unit.

Section 1003. Minimum Yards.

Building Setback Line:

40 feet from right-of-way line of a thoroughfare.

30 feet from right-of-way line of any other street.

Side: 10 feet

Rear: 40 feet

Section 1004. Maximum Building Height.

Three stories or 45 feet, whichever is less.

Section 1005. Cluster Development Plan Requirements.

A cluster development shall conform to the following:

1. A plan of the proposed development shall be submitted to the Planning Commission for view and approval before any site work is begun.
2. No cluster development shall be less than 10 acres.
3. There shall be no more than four single-family units per cluster.
4. There shall be a minimum of 20 feet between each building cluster.
5. All storm water runoff shall be retained on the site.
6. At least 25 percent of the net area shall be dedicated to open space/recreational uses (such as landscaping, bike paths, walkways, swimming areas, and recreation courts).
7. An effort shall be made to maximize energy efficiency. Energy conservation measures which should be employed include (1) consideration of a building's solar orientation, (b) utilization of landscaping design techniques, and (c) dedication of an area for a community garden.

Section 1006. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XI
R-5 Medium Density Multi-Family
Residential Zoning District

Section 1101. Uses Permitted.

Same uses as permitted in the R-4 zoning district.

Multi-family dwellings.

Condominiums.

Townhouses.

Nursing or convalescent homes.

Section 1102. Minimum Building Site.

Width:

75 feet for all uses except two-family and multi-family dwellings.

85 feet for two-family dwellings.

100 feet for multi-family dwellings.

Depth: 100 feet.

Area: 8,000 square feet for all uses except two-family and multi-family dwellings.

9,000 square feet for two-family dwellings.

3,500 square feet per family for multi-family dwellings. Approximately 12 apartments

Per acre.

Section 1103. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other street.

Side: 10 feet plus one foot for each foot of building height over 45 feet. Side yard

Buffer shall be provided on lots utilized by multi-family structures.

Rear: 40 feet plus one foot for each foot of building height above 45 feet. Rear yard

Buffer shall be provided on lots utilized by multi-family structures.

Section 1104. Maximum Building Height.

No limitations provided that minimum side and rear yard requirements are increased one foot for each foot of building height above 45 feet.

Section 1105. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XII

R-6 High Density Multi-Family Residential Zoning District

Section 1201. Uses Permitted.

Same uses as permitted in the R-5 zoning district.

Section 1202. Minimum Building Site.

Width:

75 feet for all uses except two-family and multi-family dwellings.

85 feet for two-family dwellings.

100 feet for multi-family dwellings.

Depth: 100 feet

Area: 8,000 square feet for all uses except two-family and multi-family
Dwellings.

9,000 square feet for two-family dwellings.

2,200 square feet per family for multi-family dwellings. Approximately 20 apartments
Per acre.

Section 1203. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other street.

Side:

10 feet plus one foot for each foot of building height above 45 feet. Side yard

Buffer shall be provided on lot utilized by multi-family structures.

Rear:

40 feet plus one foot for each foot of building height above 45 feet. Side yard

Buffer shall be provided on lots utilized by multi-family structures.

Section 1204. Maximum Building Height.

No limitation provided that minimum side and rear yard requirements are increased one foot for each foot of building height above 45 feet.

Section 1205. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XIII

M-H Mobile Home Park Zoning District

Section 1301. Uses Permitted.

Mobile home park.

One-family dwelling for the exclusive use of a watchman, caretaker, owner, or manager of a mobile home park.

Office and maintenance buildings incidental to a mobile home park.

Principal use signs.

Accessory signs.

Laundromats (including coin operated dry cleaning) accessory to a specific mobile home park only.

In addition to the mobile home spaces, off-street parking and loading spaces for vehicles in an operating condition only.

Section 1302. Mobile Home Park Plan. A mobile home park shall be submitted to the Planning Commission and shall conform to the following requirements:

1. The proposed park shall be a minimum of 3.5 acres and shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from standing water.
2. No park shall exceed a density of eight (8) mobile homes for each acre or portion of an acre within a park, as calculated on the basis of the total gross area within the park.
3. No mobile home or other building in the park shall be located closer than 10 feet to any property line of the park or when the park property adjoins a residential district, that particular district's setback restrictions shall apply.
4. A buffer shall be required along the side and rear lines of a mobile home park.
5. No structure or building other than a mobile home in a mobile home park shall be used for dwelling purposes, other than a permanent structure used by a watchman, caretaker, manager, or owner.
6. Spaces for individual mobile homes shall be provided consisting of a minimum of 5,000 square feet for each space exclusive of common driveways and walkways, which space shall be at least 50 feet wide and clearly defined.
7. On each mobile home space, there shall be provided at least one paved off-street parking space for vehicles other than a mobile home not less than 10 feet wide by 20 feet long connected by a paved 12 foot drive to a common driveway or street.

8. Mobile homes shall be so located on mobile home spaces that there shall be at least a 20 foot clearance between mobile homes, or between mobile homes and other buildings within the park.
9. All mobile home spaces shall abut a public street, or a paved driveway of not less than 20 feet in width having unobstructed access to a public street, alley, or highway.
10. All driveways and walkways within the park shall be paved and adequately lighted.
11. Electrical outlets supplying at least 110 volts each shall be provided for each mobile home space.
- 12.

Section 1303. Sanitary Facilities in Mobile Homes. Each mobile home shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water and a source of heat for the occupants thereof.

Section 1304. Water Supply. All buildings and mobile home spaces within the park shall be connected to the public water supply system. Each mobile home space shall be provided with a cold water tap at least four inches above the ground.

Section 1305. Sewage and Refuse Disposal.

1. Waste from showers, bath tubs, flush toilets, urinals, lavatories, and laundry facilities in a mobile home and any other building within the park shall be discharged into the public sewer system in compliance with applicable ordinances or into a private disposal system approved by the County Health Officer, who may require soil percolation tests to be performed within the disposal area as a guide to the size, location and arrangement of the system.
2. Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall receive the waste from shower, bath tub, flush toilet, lavatory, laundry facilities and kitchen sink of the mobile home harbored in such space. The trapped sewer in each space shall be connected to the public sewer system or a private disposal system approved by the Health Officer in accordance with application regulations.

Section 1306. Garbage Receptacles. Metal garbage containers will be supplied by the city. Mobile home licensee will be responsible to see that all garbage and rubbish are placed in the containers.

Section 1307. Fire Protection. Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size and number so located within the park as to satisfy applicable regulations of the City. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

Section 1308. Licenses Required. No person shall maintain or operate a mobile home park within the City of Talladega without a license therefor. Existing parks shall make application for initial license within 90 days after the adoption of this Ordinance.

Section 1309. License Fees. The annual license fee for each mobile home park shall be according to the license fee schedule.

Section 1310. Register of Occupants. It shall be the duty of each mobile home park licensee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information.

1. The name and address of each mobile home occupant.
2. The name and address of the owner of each mobile home and motor vehicle by which it is towed.
3. The make, model, year, and vehicle registration number of each mobile home and motor vehicle.
4. The state, territory, or county in which vehicles are registered.
5. The date of arrival and of departure of each mobile home.

The park shall keep the register available for inspection at all times by public officials whose duties necessitate acquisition of the information contained in the register. The register record of registrant shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

Section 1311. Supervision. The mobile home park licensee, or a duly authorized attendant or caretaker, shall be in charge at all times and shall keep the mobile home park, its facilities, and equipment in clean, orderly, and sanitary condition. The attendant or caretaker will be answerable, with the licensee, for the violation of any provisions of any Ordinance to which the licensee is subject.

Section 1312. Posting of License. The mobile home park license shall be conspicuously posted in the office of or on the premises of the mobile home park at all times.

Section 1313. Revocation of License. The building inspector shall revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this Ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction have been remedied.

Section 1314. Required Off-Street Parking and Loading.

As stated above or in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XIV

C-1 Neighborhood Commercial Zoning District

Section 1401. Uses Permitted.

Any retail business, business service, personal service, or retail service establishment, including the manufacturing of articles sold at retail on the premises, provided such manufacturing is incidental to the retail business or service, occupies less than 30 percent of the floor area and employees no more than four operators. All sales, storage, service or incidental manufacturing activities shall be carried on within a building.

Laundry or dry cleaning pick-up stations

Radio, television, and appliance repair shops provided that not more than two service vehicles are operated from the establishment

Offices, professional and business, including veterinarian offices when all activities are located within the principal use building only.

Accessory buildings and uses located within buildings

Principal use signs

Accessory signs

Publicly-owned and operated buildings and lands

Churches and similar places of worship

Clinics, medical or dental

Clubs or lodges, private and public

Schools teaching art, dancing and music

Automobile service stations, provided that all structures, including pumps, shall comply with the setback line of any abutting street and that points of ingress and egress shall not be located closer than 50 feet to each other or to any street intersection and shall not exceed 25 feet in width.

Public utility structures and land

Off-street parking and loading spaces for vehicles in an operating condition only.

Section 1402. Minimum Building Site. Dwellings shall meet the requirements of the R-6 zoning district. For all other uses:

Width: None

Depth: None

Area: None

Section 1403. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way of a thoroughfare

30 feet from the right-of-way of any other street

Side:

None required, but not less than 10 feet if provided, except that when adjoining a residential zoning district there shall be side yards of not less than 20 feet and a landscaped buffer shall be provided.

Rear:

None required but if provided not less than 10 feet if provided, except that when adjoining a residential zoning district there shall be a rear yard of not less than 40 feet and a landscaped buffer shall be provided.

Section 1404. Maximum Building Height.

Three stories or 45 feet, whichever is less.

Section 1405. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XV

C-2 Central Business Zoning District

Section 1501. Uses Permitted.

Same uses as permitted and regulated in the R-6 and C-1 zoning districts except automobile service, sales, and repair businesses are permitted provided that no gasoline, diesel, or other fuel pumps are located on the site.

Amusement, indoor theatres, or recreational businesses, but not including drive-in theatres.

Laundry and dry cleaning services.

Business schools.

Broadcasting stations.

Wholesale business, including storage and display.

Carpentry, plumbing or painting shops provided that all storage and activities are located inside buildings.

Laboratories.

Nurseries and greenhouses.

Printing and engraving businesses.

Off-street parking service on a commercial basis.

Section 1502. Minimum Building Site.

Width: None

Depth: None

Area: None

Section 1503. Minimum Building Height.

None.

Section 1505. Required Off-Street Parking and Loading.

None.

ARTICLE XVI

C-3 General Commercial Zoning District

Section 1601. Uses Permitted. Same uses are permitted and regulated in the R-6 and

C-1 zoning district.

Automobile, farm implement, trailer, or mobile home sales, service and repair but not including parts yards or junk yards

Motels and hotels

Amusements, indoor theaters, or recreation businesses, but not including drive-in theaters

Laundry and dry cleaning services including pick-up stations and self-service laundry and dry cleaning establishments

Business schools

Broadcasting stations

Mortuaries

Wholesale businesses, including storage and display

Carpentry, plumbing or painting shops, provided that all storage and activities are located inside buildings

Laboratories

Nurseries and greenhouses

Printing and engraving businesses

Off-street parking service on a commercial basis

Tire re-treading and re-capping establishments, provided that no building for such use shall have any openings other than stationary windows, within 100 feet of a residential district and provided further that all storage and processing is located within an enclosed building

Restaurants

Drive-in food, drink, service, financial, and repair businesses.

Automobile service stations

Personal service establishments such as barber and beauty shops

Drug stores, bakeries, groceries, and similar convenience retail establishments

Professional offices

Gift and hobby shops

Public utility structures and lands

Accessory uses and buildings

Off-street parking and loading spaces for vehicles in operating condition only.

Section 1602. Minimum Building Site. Dwellings shall meet the requirements of the R-6 zoning district. For all other uses:

Width: None

Depth: None

Area: None

Section 1603. Minimum Yards. Dwellings shall meet the requirements of the R-6 zoning district. For all other uses:

Building Setback Line:

40 feet from the right-of-way of a thoroughfare

30 feet from the right-of-way of any other street

Side:

If commercial lot area is less than 10,000 square feet, then no side yard setback is required, but not less than 10 feet if provided, except when adjoining a residential zoning district there shall be a side yard of not less than 20 feet plus one (1) foot for each foot of building height above 20 feet.

If commercial lot area is 10,000 square feet or more, then no side yard setback is required, but not less than 20 feet if provided, except when adjoining a residential zoning district there shall be a side yard of not less than 40 feet plus one (1) foot for each foot in height above 20 feet.

Side yard buffer shall be provided when property adjoins residential district.

Rear:

None required but if provided not less than 10 feet plus one (1) foot for each foot in height above 40 feet if lot area is less than 10,000 square feet or not less than 20 feet plus one (1) foot for each foot in height above 40 feet if lot area is 10,000 square feet or more. If lot adjoins a residential district, a rear yard setback of not less than 40 feet plus one (1) foot for each foot in height above 40 feet is required and a rear yard buffer shall be provided.

Section 1604. Maximum Building Height. None

Section 1605. Access and Curb Cuts. Access to each business activity located on a lot which is at least 10,000 square feet in area shall be only at clearly defined and marked entrances and exits no greater than 25 feet in width separated by a curb or similar barrier to vehicular movement of at least 25 feet in length; provided that this shall not preclude the construction of special turnout lanes in the center of or along the side of the abutting roadway.

Section 1606. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XVII

C-4 Shopping Center Zoning District

Section 1701. Uses Permitted.

Same as permitted and regulated in the C-1 Zoning District

Amusement, theatres, or recreational businesses, but not including drive-in theatres

Public buildings

Restaurants

Motels and hotels

Automobile showrooms, provided that no more than 10 automobiles may be displayed outside per agency.

Self-service laundry and dry cleaning establishments

Parking structures or areas

Section 1702. Access and Curb Cuts.

Access to each business activity shall be only at clearly defined and marked entrances and exits no greater than 25 feet in width separated by a curb of similar barrier to vehicular movement of at least 25 feet in length: provided that this shall not preclude the construction of special turnout lands in the center of or along the sides of the abutting roadway.

Section 1703. Minimum Building Site. Dwellings shall meet the requirements of the R-6 zoning district. For all other uses:

Width: None

Depth: None

Area: None

Section 1704. Minimum Yards.

Building Setback Line:

40 feet

Side:

None required, but not less than 20 feet if provided, except that side yards adjacent to residential zoning districts there shall be not less than 20 feet plus one foot for each foot in height above 20 feet. Side yard buffer shall be provided when property adjoins residential district.

Rear:

None required, but not less than 20 feet if provided, except that rear yards adjacent to residential zoning districts there shall be not less than 40 feet plus one foot for each foot in height above 40 feet. Rear yard buffer shall be provided when property adjoins residential district.

Section 1705. Maximum Building Height.

None

Section 1706. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XVIII

O-S Offices and Services Zoning District

Section 1801. Uses Permitted.

Health, medical, dental or nursing services for humans including clinics, offices, laboratories, hospitals and sanatoriums.

Professional offices.

Drugstores and apothecaries.

Restaurants, cafeterias, or similar facilities when incidental and subordinate to other permitted uses, but not including drive-in facilities.

Florists when all activities are within a building.

Small gift shops when incidental and subordinate to other permitted areas.

Churches and other places of worship.

Laundry and dry-cleaning pick-up stations.

Off-street parking and loading space for vehicles in an operating condition only when accessory to the principal use of the premises.

Principal use signs.

Accessory signs.

Section 1802. Minimum Building Site.

Width: None

Depth: None

Area: None

Section 1803. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of other streets.

Side:

Not required, but not less than 20 feet if provided, except that side yards adjacent to residential zoning districts shall not be less than 20 feet plus one foot for every foot in height above 20 feet.

Rear:

Not required, but not less than 20 feet if provided, except that rear yards adjacent to residential zoning districts shall not be less than 40 feet plus one foot for every foot in height above 40 feet.

Section 1804. Maximum Building Height.

None.

Section 1805. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XIX

I-P Institutional Park Zoning District

Section 1901. Uses Permitted.

Educational, training, health, medical, or nursing uses of a public, charitable, or philanthropic nature, including rest homes and sanitariums.

Churches and other places of worship.

Dwellings normally considered to be an integral part of one of the above uses, such as dormitories, faculty housing, and fraternity or sorority houses, when located within the contiguous geographical area designated as the campus or institutional site.

Federal, state or local correctional institutions provided that site designs are approved by the Planning Commission.

Accessory uses incidental to or of service to the occupants of the above uses only, such as offices, apothecaries, laundries, eating facilities, maintenance shops, storage areas, and recreation facilities.

Public utility structures and lands.

Accessory signs.

Principal use signs.

Section 1902. Minimum Building Site.

No requirements for non-residential buildings.

Single-family dwellings must meet requirements for the R-3 zoning district; all other dwellings must meet the requirements of the R-6 zoning district.

Section 1903. Minimum Yards.

No requirements for non-residential buildings.

Single-family dwellings must meet requirements of the R-3 zoning district; all other dwellings must meet the requirements of the R-6 zoning district.

Section 1904. Maximize Building Height.

No limitations, provided that applicable minimum side and rear yard requirements are increased one foot for each foot of building height above 45 feet.

Section 1905. Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XX

M-1 Limited Industrial Zoning District

Section 2001. Conditions of Operation. All uses in the M-1 Limited Industrial Zoning District shall be constructed, maintained, and operated so as to not be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire, and explosive hazard, or glare. Such conditions shall not be detectable at the property line of each use without the aid of instruments. Within 100 feet of a residential zoning district, all processes and storage (except of vehicles) shall be within enclosed buildings.

Section 2002. Uses Permitted.

Agriculture.

Building materials storage or wholesaling.

Lumber yards.

Construction or contractor's yards.

Storage or warehousing facilities.

Offices.

Retail businesses.

Service businesses.

Wholesale businesses.

Motels.

Broadcasting towers.

Truck terminals.

Bottling plants or dairies.

Petroleum products, storage or sales.

Automotive, farm implement, or mobile home or trailer sales, service and repair, but not including parts yards or junk yards.

Manufacturing, fabricating, processing, assembling, repair or servicing or any product or commodity.

Laboratories.

Lodges or organizational meeting halls.

Veterinarian offices and kennels.

Laundry and dry cleaning plants.

Theatres, including drive-in theatres.

Banks or lending institutions.

Restaurants, including drive-in restaurants.

Greenhouses and florists.

Outdoor advertising signs.

Principal use signs.

Accessory signs.

Accessory uses and buildings.

Public utility structures and lands.

Off-street parking and loading spaces for vehicles in operating condition only.

Section 2003. Minimum Building Site.

Width: None

Depth: None

Area: None

Section 2004. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of other streets.

Side:

Not required, but not less than 20 feet if provided, except that side yards adjacent to residential zoning districts shall be not less than 20 feet plus one foot for every foot in height above 20 feet. Side yard buffer shall be provided when property adjoins residential district.

Rear:

Not required, but not less than 20 feet if provided, except that rear yards adjacent to residential zoning districts shall not be less than 40 feet plus one foot for every foot in height above 40 feet. Rear yard buffer shall be provided when property adjoins residential district.

Section 2005. Maximum Building Height

None.

Section 2006. Required Off-Street Parking and Loading.

As stated in Article XXVII. OFF-STREET PARKING AND LOADING

ARTICLE XXI

M-2 General Industrial Zoning District

Section 2101. Conditions of Operations. All uses in the M-2 General Industrial Zoning District shall be constructed, maintained, and operated so as to not be injurious or offensive to the occupants of nearby premises, by reason of the emission or creation of noise, vibration, smoke, dust, or other particulate matter, toxic or noxious waste materials, odors, fire, and explosive hazards, or glare. Such conditions shall not be detectable at the boundary of the M-2 zoning district without the aid of instruments.

Section 2102. Uses Permitted.

All uses permitted in the M-1 Limited Industrial zoning district.
Automobile wrecking or junk yards when completely enclosed by a solid fence having a minimum height of six feet, but in no case less than such a height as will screen all operations from view, and with no part of the operations located closer than 100 feet to a residential zoning district.

Section 2103. Minimum Building Site.

Width: None

Depth: None

Area: None

Section 2104. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other street.

Side:

Not required, but not less than 20 feet if provided, except that side yards adjacent to residential zoning districts shall be not less than 20 feet plus one foot for every foot in height above 20 feet. Side yard buffer shall be provided when property adjoins residential district.

Rear:

Not required, but not less than 20 feet if provided, except that rear yards adjacent to residential zoning districts shall not be less than 40 feet plus one foot for every foot in height above 40 feet. Rear yard buffer shall be provided when property adjoins residential district.

Section 2105. Maximum Building Height.

None.

Section 2106. Off-Street Parking and Loading.

As stated in Article, XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XXII

PUD Planned Unit Development Zoning District

Section 2201. Conditions for Development. In order to change the regular district designation of a tract of land to PUD- Planned Unit Development, and to subsequently thereby use such a tract of land, the following conditions shall be met:

1. A master plan of development showing the exact manner in which the whole tract will be improved and used must accompany the request for change of zoning, be approved by the City Council after being reviewed by the Planning Commission, and be retained in the file of the City Clerk as a part of the City's records on that ordinance changing this zoning ordinance.
2. Before any building or occupancy permit for the use or development of any portion of a PUD zoning district can be issued, a subdivision plat, or plats, for the whole tract shall have been approved by the Planning Commission and recorded in accordance with the Subdivision Regulations; such plat or plats and any information shown thereon shall correspond in all respects to the approved master plan of development, and the information recorded along with the subdivision plat or plats shall include the master plan of development. No permit of any type shall be issued for any use, activity, building, or site improvement that is not in accordance with the approved and recorded master plan of development.
3. The master plan of development for a tract may be amended at any time by the City Council, upon the advice of the Planning Commission, provided a notice is given and a public hearing held thereon in the same manner as for the original approval of the change of zoning for the subject tract to a PUD zoning district classification.
4. The minimum size of the tract shall be ten (10) acres, or the tract shall be located wholly within areas designated as blighted according to the 1978 Talladega Land Use and Housing Plan, or the tract shall be included within the site of an officially approved predominantly low or moderate income housing project.
5. The master plan of development shall be in accordance with and shall be designed to implement the 1978 Talladega Land Use and Housing Plan.
6. Landscaping and open space shall be an essential part of the master plan. At least 25percent of the net area shall be dedicated to open space/recreational uses (such as landscaping, bike paths, walkways, swimming areas, and recreational courts.) Existing trees and natural features shall be preserved wherever possible.
7. Insofar as possible, vehicular traffic shall be separated from pedestrian traffic.
8. The vehicular traffic generated by the proposed development shall not exceed the capacity of access streets, and shall not disrupt established residential areas.
9. The capacity of existing or scheduled utility systems or schools serving the proposed development shall not be exceeded; in large tracts that will eventually contain a large number of families, a school site shall be platted and dedicated to the school board upon the recordation of an approved Subdivision Plat.
10. An effort shall be made to maximize energy efficiency. Energy conservation measures which should be employed include: (a) consideration of a building's solar

orientation, (b) utilization of landscape design techniques, and (c) dedication of an area for a community garden.

11. All storm water runoff shall be retained on the site.

Section 2202. Uses Permitted. Any use shall be permitted except for mobile homes, provided that such use is in accordance with the 1978 Talladega Land Use and Housing Plan and is shown and designated clearly on the master plan of development.

Section 2203. Minimum Building Sites. No minimum building site is required, provided that the land used for building coverage and off-street parking and loading spaces as required in Article XXVII, does not preclude adequate open spaces for landscaping, and for recreation facilities for the occupants of dwellings. The proposed minimum and average building sites, the resulting average net density (families per acre of residential land use), the total land used for every purpose (including rights-of-way), the number of off-street parking and loading spaces for each use area, and the total and average land area covered by the buildings in each use area, shall all be calculated and shown on the master plan of development.

Section 2204. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other dedicated street.

Yards:

No building shall be closer than 15 feet to any PUD zoning district boundary line, provided that no entrance of any building shall be closer than 25 feet to any such line.

Space Between Buildings:

Within a PUD zoning district the minimum space between buildings shall be as Specified for group developments in Section 2904.

Section 2205. Maximum Building Height.

None.

Section 2206. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

Section 2207. Accessibility. Access shall be provided to each separately platted building site by way of a publicly dedicated street plus a driveway or clearway of at least 12 feet in width.

ARTICLE XXIII

FHZ Flood Hazard Zoning District

Section 2301. Locational Intent. Areas located on the Special District Zoning Maps as FHZ Flood Hazard Zone are areas identified on the “Flood Hazard Boundary Map” (prepared by the U.S. Department of Housing and Urban Development). These areas lie within the 100 year flood plain elevation. The intent of this district is to minimize property damage and the personal losses resulting from flood conditions.

Section 2302. Uses Permitted. Same uses as identified according to the underlying regular zoning district.

Section 2303. Site Restrictions. Same restrictions as described in the underlying regular zoning district and the City of Talladega Flood Ordinance Number 1117.

ARTICLE XXIV

MHA Mobile Home Area Zoning District

Section 2401. Uses Permitted.

Mobile Homes.

One-family dwellings.

Non-commercial agriculture and gardening as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the rear yard.

Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.

Cemeteries.

Schools, public or private, but not including private kindergartens or nursery schools.

Churches and similar places of worship.

Home occupations.

Accessory uses and buildings.

Accessory signs.

Principal use signs.

Public utility structures and lands.

Private or public golf courses.

Off-street parking and loading spaces for vehicles in an operating condition only as an accessory use.

Section 2402. Location of Mobile Homes.

Only one mobile home shall be placed on one single family lot as permitted in R-1, R-2, and R-3 zoning districts.

Section 2403. Minimum Yards.

Building Setback Line:

40 feet from the right-of-way line of a thoroughfare.

30 feet from the right-of-way line of any other street.

Side: 10 feet

Rear: 40 feet

Section 2404. Required Off-Street Parking and Loading.

As stated in Article XXVII, OFF-STREET PARKING AND LOADING.

ARTICLE XXV

HP Historical Preservation Zoning District

Section 2501. Locational Intent. The location of the Historical Preservation Zoning District corresponds to the sites of the City of Talladega's two registered historic districts- the Courthouse Square District and the Silk Stocking District. This special zoning district is intended to provide the city's most architecturally unique and historically significant sites with additional protection against deterioration and decline.

Section 2502. Construction or Alteration Restrictions. For all properties within the Historical Preservation District, all requests for a building permit involving new structures or alterations to building exteriors or a sign permit shall be referred to the Historic Preservation Board (see Section 2503) for review before a permit can be issued. The Historic Preservation Board shall use the following guidelines for evaluating a permit request.

1. Distinguishing original qualities or character of a building, structure, or site and its environment should be preserved, provided that no unnecessary hardship is assumed by a property owner.
2. Removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. Deteriorated architectural features should be repaired rather than replaced, wherever possible. If replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities.
4. Contemporary design for new buildings and alterations shall not be discouraged when such alterations and additions do not destroy significant historic, architectural or cultural material and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
5. An effort shall be made to use a property for its originally intended purpose or to provide a compatible use that will require minimum alteration to the property and its environment.

Section 2503. Historic Preservation Board. The Historic Preservation Board of the City of Talladega is hereby established. Said Board shall consist of five members (two members must reside or operate a business within the district- all members must reside within the city limits) appointed by the Mayor. The members of the Board shall serve overlapping terms of three years.

The Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs. The following procedure shall be observed:

1. The Board shall elect a Chairman who shall serve a one year term of office with possible re-election.
2. The Chairman or mayor (when chairman is unavailable) shall call a meeting of the Board when items are submitted for review. All meetings shall be advertised in local newspapers and open to the public.
3. Approval of projects reviewed by the Board shall mean that needed permits can be issued. The Board shall make a recommendation for project disapproval to the City Council at which time the City Council shall approve or deny the request for a permit.

Section 2504. Uses Permitted. Same uses as identified according to the underlying regular zoning district.

Section 2505. Site Restrictions. In addition to the site restrictions already mentioned in Section 2502, the same regulations as described in the text of the corresponding regular zoning district shall be followed.

ARTICLE XXVI

Signs

This section was amended by Ordinance No. 1742 (adopted and approved March 3, 2013 and published and legal as of March 8, 2013). Please see the divider labeled Sign Ordinance.

ARTICLE XXVII

Off-Street Parking and Loading

Section 2701. Off-Street Parking Spaces. There shall be provided on every lot on which any of the following uses are hereafter established or enlarged, off-street parking spaces of adequate size for the parking of automobiles of standard size. Only vehicles in operating condition shall occupy such spaces. Each space shall be accessible from a driveway. Except for one-and two-family dwellings, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. The number of spaces shall be equal to at least the minimum requirements for the specific use with which associated as set forth below:

Dwellings-One parking space for each dwelling unit.

Rooming houses, Boarding Houses, and Tourist Homes- One parking space for each two rental Rooms.

Motels and Hotels- One parking space for each room offered for tourist accommodation.

Mobile Home Parks- One parking space for each mobile home space.

Churches, Theatres, Auditoriums, Clubs, Stadium, or Other Places of Public Assembly- One Parking space for each four seats in the principal assembly room or area.

Automobile Service Stations- four parking spaces for each grease rack or similar facility plus one space for each attendant.

Retail or Wholesale Trades or Services- One parking space for each hundred square feet of area Devoted to trade or service activity plus one parking space for each vehicle used directly in the Conduct of the enterprise.

Shopping Centers- four parking spaces for each one thousand square feet of area devoted to trade or service activity.

Offices, or Professional or Public Buildings- one parking space for each two hundred square feet Of floor area, or four spaces for each separate office, whichever is greater.

Hospitals, Sanitariums, or Nursing Homes- One space for each bed intended for patients plus one Space for each staff member.

Warehousing, Manufacturing, or Industrial Establishments- one parking space for each two Employees plus one parking space for each vehicle used directly in the conduct of the enterprise.

Other Uses- The requirements of the most similar use specifically mentioned in this Section shall Apply.

Section 2702. Location of Parking Spaces. Except for one- and two-family dwellings, if the Required off-street parking spaces cannot be reasonably provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property, provided the spaces lie within 400 feet of the main entrance to the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

Section 2703. Truck Parking Restrictions. No truck parking shall be permitted in any residential district greater than a ¾ ton pick-up truck except a truck or commercial vehicle not greater than 1 ½ tons may be parked in an accessory structure within a residential district.

Section 2704. Off-Street Loading Spaces. Every building used for business, trade, or industry shall provide spaces as indicated below for the loading and unloading of vehicles off the street or public alley. Such spaces shall have access to a public alley, or, if there is no alley, to a public street.

Retail Business and Services-One space 10 feet by 25 feet for each 5,000 square feet of

Floor area or part thereof.

Wholesale Businesses and Industries- one space 10 feet by 50 feet for each 10,000 square feet of floor area of part thereof.

Bus and Truck Terminals-Sufficient space to accommodate the maximum number of Buses or trucks to be stored or to be loading or unloading at the terminal at any time.

Section 2705. Continuing Character of Obligation. Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring vehicle parking or loading facilities continues, and it shall be unlawful for said owner to discontinue, change or discontinue, or to cause the discontinuance or change of the required vehicle parking or loading spaces apart from the discontinuance, sale or transfer of the building or use without establishing alternative vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance, or for any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance.

Ordinance No. 1466
An ordinance amending Ordinance No. 1120

ARTICLE XXVII
Off-Street Parking and Loading

1. That Article XXVII, Off-Street Parking and Loading Section 2701, Off-Street Parking Street Spaces, regarding that portion dealing with "Retail or Wholesale Trades or Services" be amended, so that as amended shall read as follows:
Retail or Wholesale Trades or Services - Five parking spaces for each one thousand square feet of area devoted to trade or service activity, plus one parking space for each vehicle used directly in the conduct of the enterprise.

2. That Article XXVII, Off-Street Parking and Loading Section 2701, Off-Street Parking Street Spaces, regarding that portion dealing with "Shopping Centers" be amended, so that as amended shall read as follows:
Shopping Centers - Five parking spaces for each one thousand square feet of area devoted to trade or service activity.

3. That Article XXVII, Off-Street Parking and Loading Section 2701, Off-Street Parking Street Spaces, regarding that portion dealing with "Hospitals, Sanitariums, or Nursing Homes" be amended, so that as amended shall read as follows:
Hospitals, Sanitariums, or Nursing Homes - One parking space for every two patients plus one space for every three staff members.

APPROVED this 3rd day of August 1999.

ARTICLE XXVIII

Nonconforming Uses

In order to avoid individual hardship whenever reasonable and not in conflict with the general welfare of the City of Talladega, and for purposes herein outlined, the following provisions apply to all zoning districts.

Section 2801. Nonconforming Uses Permitted. The lawful use of any building or lot existing at the time of the enactment of this Ordinance may be continued although such use does not conform to the provisions of this Ordinance. Intent or mere preparation shall not and does not constitute use; preparation may be enjoined after notice of public hearing to adopt this Ordinance.

Section 2802. Unsafe Buildings. Any building or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

Section 2803. Construction Approved Prior to Ordinance. Nothing contained in this Ordinance shall require any change in plans, construction or designated use of a building prepared or established before this Ordinance is adopted and the construction of which is begun prior to the date of adoption of this Ordinance.

Section 2804. Restoration. No building damaged by fire or other causes to the extent of more than 50 percent of its replacement cost shall be repaired or rebuilt except in conformity with the regulations of this Ordinance.

Section 2805. Abandonment. Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provision of this Ordinance.

Section 2806. Change to Another Nonconforming Use Not Allowed. No nonconforming use may be changed to another nonconforming use.

Section 2807. Changes. Once changed to a conforming use no building or land shall be permitted to revert to a nonconforming use.

Section 2808. Enlargement. No nonconforming use shall be enlarged or extended in any way.

ARTICLE XXIX

Exceptions and Modifications

Section 2901 - Lot of Record: In any residential zoning district where the owner of a lot existing at the time of the adoption of this Ordinance, or his successor in title thereto, does not own sufficient land to enable him to conform to the minimum lot area or frontage requirements of this Ordinance, such lot may be used for a one-family dwelling provided that minimum yard and building setback requirements for the zoning district in which said lot is located are maintained.

Section 2902 - Reduction in Building Setback Line: The building setback requirements of this Ordinance for dwellings shall not apply to any lot where the average existing building setback line on lots located wholly or in part within two hundred feet on each side of such lot, is less than the minimum required building setback. In such cases, the minimum building setback on said lot may be equal to the average of the existing setbacks on the aforementioned lots, or not less than 15 feet from the street right-of-way line, whichever is greater.

Section 2903 - Exceptions to Height Limits: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, flag poles, masts and aerials.

Section 2904 - Yards in Group Developments: More than one dwelling, institutional, commercial or industrial building may be located upon a lot in a zoning district where such a use would be permitted, but no such building shall encroach upon the front, side, or rear yards required for any other building site except as would be permitted in Planned Unit Development (PUD) zoning districts under the provisions of Article XXII. For dwellings, the open space between buildings shall not be less than 20 feet for one story buildings, 30 feet when either building is a two story building, 40 feet plus an additional 10 feet for each story over three stories when either building is over three stories in height. The minimum dimension of the yard upon which any entrance or exit of a dwelling faces shall be 20 feet; such space shall not be counted as a yard for any other building.

ARTICLE XXX

Administration and Enforcement

Section 3001. Enforcing Officer. The provisions of this Ordinance shall be administered and enforced by the building inspector. His duties shall include inspecting premises, and issuing building permits and occupancy permits for uses and buildings that meet the requirements of this Ordinance and other Ordinances of the City of Talladega.

Section 3002. Building Permits. Building permits shall be issued in accordance with the following provisions:

1. **Building Permit Required.** It shall be unlawful to commence the excavation or filling of any lot for construction of any building, or to commence construction of any building, or to commence the moving of any building or the alteration of any building to the extent of more than \$100.00, or to commence the development of land for a use not requiring a building, until the building inspector has issued a building permit for such work, provided that in R-1 zoning districts any building incidental to agricultural uses and not to be inhabited by humans shall not require a building permit.
2. **Issuance of Building Permit.** In applying to the building inspector for a building permit, the applicant shall submit two copies of a dimensioned sketch or to-scale plan signed by the owner or his authorized agent, indicating the shape, size, and location of the lot to be built upon and the shape, size, heights, uses, and locations of the buildings to be erected, demolished, altered or moved and of any building already on the lot, the number of dwellings units the building is designed to accommodate, if any, the setback lines of buildings on adjoining lots, and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance will be observed. If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provisions of this Ordinance, and other Ordinances of the City of Talladega, then in force, the building inspector shall sign and return one copy of the sketch or plan to the applicant and shall issue a building permit upon payment of any required fees. The building inspector shall retain one copy of the building permit and one copy of the sketch or plan.
3. **Refusal of Building Permit.** If the sketch or plan submitted describes work which does not conform to the requirements of this Ordinance, the building inspector shall not issue building permit but shall return one copy of the sketch or plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons therefor and shall cite the portions of this Ordinance with which the submitted sketch or plan does not comply. The building inspector shall retain one copy of the sketch or plan and two copies of the refusal.
4. **Time Limitations.** Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within six months of its date of issue, or if the work authorized by it is suspended or abandoned for a period of one year.

Section 3003. Occupancy Permit. Occupancy permits shall be issued in accordance with the following provisions:

1. **Occupancy Permits Required.** An occupancy permit issued by the building inspector is required in advance of occupancy or use of:
 - a. A building hereafter erected.
 - b. A building hereafter altered to the extent of more than \$100.00.
 - c. A change of use of any building or lot.
2. **Issuance of Occupancy Permit.** The building inspector shall sign and issue an occupancy permit if the proposed use of a lot or a building, as stated in the occupancy permit and signed by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance, and if the building, as finally constructed, complies with the sketch or plan submitted for the building permit. One copy of all occupancy permits issued, which contains a statement of the intended use of the applicable property signed by the owner or his agent, shall be kept on file in the office of the building inspector. Copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or lot involved, at said person's expense.
3. **Denial of Occupancy Permit.** An occupancy permit shall not be issued unless the proposed use of a building or lot conforms to the applicable provisions of this Ordinance, or unless the building, as finally constructed, complies with the sketch or plan upon which the building permit was issued.

Section 3004. Records. It shall be the duty of the building inspector to keep a record of all building permits and occupancy permits issued, with a notation of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be available for the use of the City Council, the Board of Adjustment, the Planning Commission, and other officials of the City of Talladega.

Section 3005. Duties of Building Inspector, Board of Adjustment, City Council, and Courts on Matters of Appeal. It is the intent of this Ordinance that all questions arising in connection with the enforcement or the interpretation of this Ordinance shall be first presented to the Board of Adjustment only on appeal from the building inspector, and that from the decisions of the Board of Adjustment, recourse shall be taken to a court as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and passing on disputed questions which might arise in connection with the enforcement or interpretation of this Ordinance, but the procedures for determining such questions shall be as stated in this Ordinance and that the duties of the City Council in connection with this Ordinance shall be only the duties of holding a public hearing and voting upon any proposed amendment or repeal of this Ordinance as provided by law.

Section 3006. Penalties. Any person violating a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each violation according to law. Each day such a violation continues shall be deemed a separate offense.

Section 3007. Remedies. In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building or lot is used in violation of this Ordinance, the building inspector, or any other proper public authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent said violation in the case of such building or use.

Article 31

Board of Adjustment

Section 3101. Appointment. The Board of adjustment of the City of Talladega is hereby established. Said Board shall consist of five members appointed by the City Council. The members of the Board shall serve for overlapping terms of three years. The Board shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.

Section 3102. Procedure. The Board of Adjustments shall elect one of its members as Chairman, who shall serve for one year or until he is re-elected or his successor is elected and qualified. The Board shall appoint a Secretary, who may or may not be a member of the Board.

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall keep minute sof its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the building inspector, or to decide in favor of the applicant on any matter upon which it is required to pass.

Section 3103. Appeals. How Taken. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Talladega affected by an decision of the building inspector. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the building inspector and with the Board a notice of appeal secifying the grounds thereof. The building inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

Section 3104. Public Hearings. The Board of Adjustment shall fix a reasonable time for hearing of the appeal or other matters referred to it, give public notices thereof, as well as due notice to the parties of interest, and decide the same within a reasonable time. Upon the hearing any part may appear in person or by agency or by attorney.

Section 3105. Stay of Proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. Such proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, or notice, to the building inspector and on due cause shown.

Section 3106. Power and Duties. The Board of Adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination of the building inspector in the enforcement of this Ordinance.
2. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinances shall be observed and substantial justice done. Such variance may be granted in such individual case of practical difficulty or unnecessary hardship upon a finding by the Board that all of the following conditions exist:
 - a. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and,
 - b. The application of this Ordinance to the particular piece of property would create an unnecessary hardship; and,
 - c. Such conditions are peculiar to the particular piece of property involved; and,
 - d. Relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of this Ordinance.

No variance may be granted for a use of land or building or structure that is not permitted by this Ordinance.

In exercising the above powers, the Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or partly, or may modify, the order, requirements, decisions or determination of the building inspector, and to that end shall have all powers of the building inspector and may issue or direct issuance of a building permit or occupancy permit.

ARTICLE XXXII

Amendments

Section 3201. Review by Planning Commission. This Ordinance including the Zoning Map may be amended from time to time by the City Council, but no amendment shall become effective unless it shall first have been submitted to the Planning Commission for review and recommendation as to relation of the proposed amendment to the Talladega Comprehensive Plan. The Planning Commission shall have thirty days within which to submit its report. If the Planning Commission fails to submit a report within the thirty day period, it shall be deemed to have approved the proposed amendment.

Section 3202. Public Hearing. Before adopting an amendment to this Ordinance, the City Council shall hold a public hearing thereon, but only after the proposed amendment has been published at least once a week for two consecutive weeks in advance of its adoption in a newspaper of general circulation within the City.

ARTICLE XXXIII

Severability

Section 3301. 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 as unconstitutionality or invalidity shall not affect any of the remaining works, phrases, clauses, sentences, paragraphs, sections of articles of this Ordinance.

ARTICLE XXIV

Conflicting Ordinances

Section 3401. All ordinances, amendments, provisions and all parts of any such ordinances which conflict with this Ordinance, including Ordinance No. 889, entitled “Zoning Ordinance of the City of Talladega, Alabama” and amendments thereto, are hereby repealed.

ARTICLE XXXV

Effective Date

Section 3501. This Ordinance shall take effect immediately upon the passage and publication of the same.

ADOPTED by Council 7/16/1980

PUBLISHED in The Daily Home 7/4/1980