

## ORDINANCE NO. 1787

AN ORDINANCE AMENDING ORDINANCE NO. 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 said City a resolution reciting that, after due consideration, it recommends that said Ordinance No. 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 1.** That Article XIV, C-1 Neighborhood Commercial Zoning District, Section 1401-Uses Permitted be amended so that as amended said Section shall read as follows:

**"Section 1401. Uses Permitted.**

A. 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 employs no more than four operators. All sales, storage, service or incidental manufacturing activities shall be carried on within a building.

B. Any banking corporation or trust company organized under the laws of the State of Alabama and under the jurisdiction of the superintendent of banks of the State of Alabama or organized under the laws of the United States and under the supervision of the controller of the Currency for controller and Currency of the United States or the Federal Reserve System and the Superintendent of Banks of the State of Alabama.

C. Any savings and loan association subject to the provisions of Ala. Code 1975, as amended, Title V, Chapter XVI or a Federal Savings and Loan Association incorporated pursuant to an Act of Congress known as the Homeowners' Loan Act of 1933.

D. Any organization created under the provisions of Ala. Code 1975, Title V, Chapter XVII, formed as a cooperative society, incorporated for the two-fold purpose of promoting thrift among its members and creating a source of credit for them at legitimate rates of interest, particularly among groups of industrial workers and farmers, fraternal and religious organization, and in those communities where the citizens of the State are distantly removed from convenience centers of business or easy access to financial agencies now provided for by laws of Alabama.

E. Laundry or dry cleaning pick-up stations.

F. 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 buildings only.

G. Accessory buildings and uses located within buildings.

H. Principal use signs.

I. Accessory signs.

J. Publicly-owned and operated buildings and lands.

K. Churches and similar places of worship.

L. Clinics, medical or dental.

M. A corporation or association organized or formed in good faith by authority of law which shall have at least one hundred fifty (150) paid up members. The corporation or association must be the owner, lessee or occupant of an establishment operated solely for the objects of national, social, patriotic, political or athletic nature or similar purposes, but not for pecuniary gain, and the property upon which the establishment is located, as well as the advantages of which, belong to all the members; and which maintains an establishment provided with special space and accommodations where, in consideration of payment, food with or without lodging is regularly served. The corporation or organization shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members.

N. A corporation or association organized or formed in good faith by authority of law which must have at least one hundred (100) paid up members. The corporation or organization must be the owner, lessee or occupant of an establishment operated solely for the objects of national, social, patriotic, political or athletic nature or similar purposes. The corporation or association shall hold regular meetings, continue its business through officers regularly elected, admit members by written application, investigation and ballot, and charge and collect dues from elected members.

O. Any establishment, public or private, licensed for the sale of any alcoholic beverages for consumption on the premises, without an area set aside for the handling and preparation of food and not permitted by the Talladega County Health Department to store, prepare or serve food, with or without consideration of payment, unless it is prepared and/or packaged off premises by an entity appropriately permitted to distribute food for human consumption; excluding however, any establishment, public or private, that habitually offers the performance of music or other entertainment, live, via streaming media or recorded, with or without consideration of payment.

P. Schools teaching art, dancing and music.

Q. 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 fifty (50) feet to each other or to any street intersection and shall not exceed twenty-five (25) feet in width.

R. Public utility structures and lands.

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

**Section 2.** That Article XVI, C-3 General Commercial Zoning District, Section 1601- Uses Permitted be amended so that as amended said Section shall read as follows:

**“Section 1601. Uses Permitted.**

A. Same uses as are permitted and regulated in the R-6 and C-1 zoning district.

B. Any business engaged in deferred presentment services as that term is defined under Ala. Code 1975, Section 5-18A-2(3) and subject to the provisions of Ala. Code 1975, Title V, Chapter 18A; provided however, that no deferred presentment service business, as that term is defined hereinabove, shall be located any nearer than one thousand feet radius from said business’ central location to: any school, public or private; any church or other similar places of worship; any business licensed for the sale of alcoholic beverages for off premise consumption; any regular zoning district designated as residential and/or any other deferred presentment service business.

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

D. Motels and hotels.

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

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

G. Business schools.

H. Broadcasting stations.

I. Mortuaries.

- J. Wholesale businesses, including storage and display.
- K. Carpentry, plumbing or painting shops, provided that all storage and activities are located inside buildings.
- L. Laboratories
- M. Nurseries and greenhouses
- O. Printing and engraving businesses
- P. Off-street parking service on a commercial basis
- Q. 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.
- R. Restaurants.
- S. Drive-in food, drink, service, financial, and repair businesses.
- T. Automobile service stations.
- U. Personal service establishments such as barber and beauty shops.
- V. Drug stores, bakeries, groceries, and similar convenience retail establishments.
- W. Professional offices.
- X. Gift and hobby shops.
- Y. Public utility structures and lands.
- Z. Accessory uses and buildings.
- AA. Off-street parking and loading spaces for vehicles in operating condition only.
- BB. Any establishment, public or private, licensed for the sale of any alcoholic beverages for consumption on the premises, without an area set aside for the handling and preparation of food and not permitted by the County Health Department to store, prepare or serve food, with or without consideration of payment, unless it is prepared and/or packaged off premises by an entity appropriately permitted to distribute food for human consumption and that habitually offers the performance of music or other entertainment, live, via streaming media or recorded, with or without consideration of payment.”

**Section 3.** That Article XX, M-1 Limited Industrial Zoning District, Section 2002 - Uses Permitted be amended so that as amended said Section shall read as follows:

**“Section 2002. Uses Permitted.**

- A. Agriculture.
- B. Building materials storage or wholesaling.
- C. Lumber yards.
- D. Construction or contractor’s yards.
- E. Storage or warehousing facilities.
- F. Offices.
- G. Retail businesses.
- H. Service businesses.
- I. Wholesale businesses.
- J. Motels.
- K. Broadcasting towers.
- L. Truck terminals.
- M. Bottling plants or dairies.
- N. Petroleum products, storage or sales.
- O. Automotive, farm implement, or mobile home or trailer sales, service and repair, but not

including parts yards or junk yards.

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

Q. Laboratories.

R. Lodges or organizational meeting halls.

S. Veterinarian offices and kennels.

T. Laundry and dry cleaning plants.

U. Theatres, including drive-in theatres.

V. Banks or lending institutions.

W. Restaurants, including drive-in restaurants.

X. Greenhouses and florists.

Y. Outdoor advertising signs.

Z. Principal use.

AA. Accessory signs.

BB. Accessory uses and buildings.

CC. Public utility structures and lands.

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

EE. Any establishment, public or private, licensed for the sale of any alcoholic beverages for consumption on the premises, without an area set aside for the handling and preparation of food and not permitted by the County Health Department to store, prepare or serve food, with or without consideration of payment, unless it is prepared and/or packaged off premises by an entity appropriately permitted to distribute food for human consumption and that habitually offers the performance of music or other entertainment, live, via streaming media or recorded, with or without consideration of payment.

**Section 4.** Except as herein amended, said Ordinance No. 1120, as amended by ordinances heretofore adopted, shall remain in full force and effect.

**Section 5.** This ordinance shall take effect from and after the date of its adoption and publication, as provided by law.

**ADOPTED AND APPROVED** this the 15<sup>th</sup> day of December, 2014.

Council President Ricky Simpson

Councilman Horace Patterson

Councilman Joe Ballow

Councilman Donnie Miller

City Manager Brian Muenger

Attested to: Elizabeth Cheeks, City Clerk