

City of Talladega - Zoning Ordinance

Ordinance No. 1882

This ordinance supersedes and replaces Ordinance 1120

ARTICLE 1

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 2

Short Title

This Ordinance shall be known and may be cited as "The Talladega, Alabama Zoning Ordinance, 2020."

ARTICLE 3

Definitions

Section 300 Introduction

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" means 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."

Section 301 Glossary

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.

Airfield- Any land used primarily for fixed or rotary wing aircraft operations, including any accessory structures associated with aviation operations. (Ord 1120) (Reworded from the original language of the permitted use)

Agriculture- The use of land for, horticulture, floriculture, viticulture, and animal and poultry husbandry; and the usual and necessary accessory facilities for packing, treating and storage of the produce of such activities. The accessory uses shall be secondary to that of normal agricultural activities, and provided further that none of the above uses or accessory uses shall include the commercial feeding of offal or garbage to swine.

Agriculture, Commercial- the principal use of land for **Agriculture** with the intent of sale or transfer of the product produced thereon as a primary or secondary source of income.

Agriculture, Non-Commercial- 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 and any animal(s) is(are) contained in a fenced enclosure or fully enclosed structure or combination thereof suitable to prevent the animal(s) from roaming at large. No animal enclosure may be closer than ten (10) feet from any property line. Enclosures shall be maintained in a sanitary fashion and free of vermin, foul odors or other conditions which may present a health hazard or nuisance.

Alcoholic beverages- defined in the Code of Alabama 1975, Section 28-3-1

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.

Alteration/Altered- Any addition to the height, width, or depth of a building or structure; or any change in the location of any of the exterior walls. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of fifty (50) percent of its fair value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Alteration, Incidental- Modifications to a building or structure that are of a cosmetic nature, replacement of utilities, and rearrangement of internal partitions. The replacement or alteration of exterior walls is not an incidental alteration.

Antenna- system of electrical conductors that transmit or receive electromagnetic waves or radio frequency signals. Such waves shall include, but not be limited to radio, television, cellular, paging, personal Telecommunications services (PCS), and microwave Telecommunications. (Ord. 1500 - 8 Mar 2001)

Automotive Service Station, Major Repair- Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with private operation), where engine blocks, transmissions, front and rear axle assemblies, major body work, dismantling, spray painting and similar items of work associated with automobiles, boats or other motorized vehicles. Minor repair services may or may not be offered.

Automotive Service Station, Minor Repair- Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with private operation), where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts, and also where minor services are rendered such as, sale and servicing of spark plugs, batteries, and distributors; tire repair and servicing (but no recapping), replacement of minor items of equipment such as mufflers, and tail pipes, water hoses, fan belts, brake fluid, etc., radiator cleaning and flushing, minor servicing and replacing of carburetors, car washing, waxing, and detailing.

Bank- Any 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. (Defined in Ord 1787 – 15 Dec 2014)

Bar- 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. (Defined in Ord 1787 – 15 Dec 2014)

Bed and Breakfast Inn- An existing residence where the owner lives on the premises and provides short-time lodging for compensation. The residence contains no more than six (6) guest rooms with breakfast being provided for the guests.

Boarding House- An establishment other than a hotel, motel, Bed and Breakfast Inn or restaurant where lodging is provided for compensation to at least four (4) persons. Meals, where provided, shall be available to members and employees only. This definition shall include fraternity houses.

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. (Ord 1742)

Building, Accessory- A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure.

Building, Principal use- A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. There shall be internal access to all interior portions of a single-family detached dwelling unit. An outlying structure shall be considered an accessory building unless connected to the principal building by fully enclosed living space.

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 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.

Campground (Developed or Undeveloped)- one (1) or more defined sites intended for the purpose of recreational **camping (primitive or modern)** with (developed) or without (undeveloped) access to electrical power and/or potable water.

Camping, Primitive- the use of a **tent** or similar portable, semi-rigid structure intended for temporary habitation without direct access to electrical, water, sewer or other public utility.

Camping, Modern- the use of a **recreational vehicle** for the purpose of temporary habitation. The vehicle may be fully self-contained with power, water and sanitary facilities, utilize external connections for power, water and sanitary facilities, a combination of both or neither.

Cemetery - a public or private parcel, plot or other division of land designated and used for the below or above ground inhumation and interment of dead bodies or cremated remains.

Church (and similar places of worship)- A **building** used for regular religious worship, by the congregation or parts thereof, of an organized religion. May include related facilities such as classrooms, family activity centers, fitness centers, day-care centers and retail and/or consignment/thrift shops.

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

Clinic- An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of the medical profession.

Club, Hunting/Fishing/Gun- See Club, Public or Private

Club, Public or Private- Type I - 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. (Defined in Ord 1787 – 15 Dec 2014)

Type II - 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. (Defined in Ord 1787 – 15 Dec 2014) (Reference: Code of Alabama 1975, Section 28-3-1(8))

Cluster Development- Development in which individual lots may be smaller than the average lot authorized by the zoning ordinance, yet the overall gross density remains the same. Buildable lots are located on a portion of rather than the entire site so that the residual area may be preserved for recreation or open space.

Condominium- Property ownership arrangement in which a buyer receives a percentage interest in a development on an undivided parcel of land, resulting in the right to exclusive use of a specific dwelling unit or portion of the undivided parcel, such as a mobile home or recreational vehicle site. Common areas of the site, which are not assigned to a specific owner, such as pools, clubhouses, parking areas and other amenities, are the collective responsibility of all owners or members of the condominium development. A building, or groups of buildings, in which units are owned individually, and all the owners on a proportional, undivided basis own the structure, commons areas and facilities.

Contractor Yard- A lot or portion thereof intended for the storage of vehicles, machinery and or/equipment used in and/or associated with the building trade including new building materials ready for immediate transport and use at a construction site. (That is, palletized

or on blocks where a forklift or similar materials handling device may move it from the ground to a vehicle)

Convenience Oriented Business- A business that sells retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Often purchased without comparison-shopping. May include vehicle fuel and minor maintenance fluids and/or repair parts intended to be installed by operator.

Credit Union- 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. (Defined in Ord 1787 – 15 Dec 2014)

Day Care Services- shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents or legal guardians, whether for compensation, reward, or otherwise during part of all of the day or any number of successive days. Such facility shall be licensed by the State of Alabama.

Deferred Presentment Service- (aka. Pay Day Loan) 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. Does not include Pawn Shops. (Defined in Ord 1787 – 15 Dec 2014)

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. (Ref. Ord. 1787 3 Jun 2013)

Dwelling- A permanent building or portion thereof designed, arranged, or used principally for residential occupancy that conforms to the international building and fire codes at the time of construction, but does not include manufactured homes, **recreational vehicles**, **tents** or similar readily portable or transportable objects.

Dwelling Unit- A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family except all rooms within the dwelling unit shall have internal access, and the unit shall have no more than one electrical meter. See also: **Building, Primary use.**

Exterior Storage- Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, exterior storage includes any impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family- Two (2) or more persons residing in a single dwelling unit where all members are related by blood, marriage, adoption or guardianship up to the second degree of consanguinity, plus one unrelated person in the Single-Family Residential Zoning District. For the purpose of this definition “consanguinity” means husbands and wives, brothers and sisters, parents and children, grandparents and grandchildren, uncles and aunts, nephews and nieces, and first cousins. In all other zoning districts where residential units are permitted the term “family” may include up to five (5) unrelated persons occupying a single dwelling unit.

Firearm- A weapon from which a shot is discharged by gunpowder. (Code of AL, Title 13A-8-1(5) This definition includes any type of rifle or pistol which projects a shot by use

of compressed gas or any device that propels a shot by release of energy stored in a spring, elastic band or rotational motion (sling/slingshot) and any type bow or crossbow (Talladega City Ordinance 773, 20 Feb 1962) (Talladega City Ordinance 1437, 6 Jan 1998).

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

Flood Hazard Boundary Map – See Flood Insurance Rate Map (FIRM)

Flood Insurance Rate Map (FIRM) – Maps issued by the Federal Emergency Management Agency (FEMA) describing the location and type of Flood Hazard Area within the municipal limits of the City of Talladega.

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 elevation at any point.

Fowl- (for the purposes of the R-3 zoning district) domesticated birds housed outdoors and limited to the families Gallus (Chickens) and Phasianidae (Pheasant and Peahens) but not including birds commonly kept indoors as pets such as, but not limited to parrots and cockatiels (Order Psittaciformes).

Ducks, Geese or Swans (Family Anatidae) and Guineafowl (Family Numididae) are not permitted in zone R-3.

Historic District, National- The area(s) within the City of Talladega recognized by the United States Department of the Interior's National Register of Historic Places and shown on the City's Zoning Map.

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

- A. Is conducted by a permanent resident of the dwelling or a maximum of one non-resident working on the premises at any one point in time.
- B. Does NOT include the following: retail or wholesale sales (other than over the phone/internet or through the mail), industrial use (other than custom crafts and sewing), veterinarian or medical office, non-household stable, kennel, funeral home, restaurant, mechanical auto repair or body work, spray painting of vehicles, trucking company terminal, welding, pesticide company, **hotel** or **motel**, manufacturing (other than custom crafts such as ceramics) or boarding house.
- C. Uses permitted as home occupation include, but are not limited to: art studio, office-type work (such as writing, editing, drafting, website design), custom sewing, tax preparation, catering for off-site consumption, musical instruction, or tutoring of one student at a time. (Ord 1704 – 15 Aug 2011)

Hotel- A building, or portion of a building, containing sleeping units, which are occupied on a daily or short-term basis. A hotel may include a restaurant and banquet or ballrooms, and one (1) self-contained dwelling unit for the use of a resident manager

Junk Yard- Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage and/or sale and salvage of two (2) or more unlicensed, inoperative **vehicles**.

Kennel- Any person engaged in the business or service for a fee of breeding, buying, selling, training or boarding animals. (Ord 1799 – 10 Sep 2015)

Land, Public- a lot or portion thereof set aside for use by the general public by deed or other assign.

Legal Nonconformity/Nonconforming Use- any land use or physical design of development, structure, sign, or lot of record legally established prior to the effective date of this Ordinance or subsequent amendment to it, which would not be permitted by or is not in full compliance with the regulations of this Ordinance.

Liquor- as defined in the Code of Alabama 1975, Section 28-3-1(18)

Lodge- See Clubs, Public or Private

Lot- A parcel of land occupied by, or designated to be developed for one (1) or more buildings or principal uses, and the accessory buildings or uses customarily incidental to such uses including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use or development. 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. The establishment of lease or rental lines shall not define separate lots for purposes of this Ordinance.

Lounge- See Bar

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

Malt or Brewed Beverages- As defined in the Code of Alabama 1975, Section 28-3-1(3)

Manufacturing, Incidental- manufacturing that 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. (Ord 1120 – 16 July 80)

Manufactured Home – A structure transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis, and designed to be used as a single family residential dwelling, with or without permanent foundation, when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The home is built to the standards and specifications as set out in the National Manufactured Housing Construction and Safety Standards Act. (Ord. 1705 - 6 Sep 11)

Manufactured Home Park- Any area designated on the Zoning Map as M-H.

Mining- See Quarrying

Mobile Home or House Trailer – A structure built prior to June 15, 1976, designed and fabricated to be transported on its own wheels and axles arriving at the site where it is to be located and occupied as a residential dwelling, completed and ready for occupancy including plumbing, heating, air conditioning and electrical systems. Travel trailers, campers, **recreational vehicles**, and motor homes are not considered to be Manufactured Homes, Mobile Homes, or House Trailers. (Ord. 1705 - 6 Sept 2011)

Modular Home – A factory fabricated transportable structure consisting of sections designed to be incorporated at a building site on a permanent foundation and used for residential purposes. A modular home must have a seal of compliance according to the regulations of the Alabama Manufactured Housing Commission. (Ord. 1705 - 6 Sept 11)

Motel- See Hotel

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

Night Club- 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.”(Defined in Ord 1787 – 15 Dec 2014)

Noise- Generally any sound plainly audible on a public way from a distance of 50 feet or off the property by another 15 feet from the property line. Ordinance 1780, effective date 3 Nov 2014

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.

Package Store- Any place or premise for the principal purpose of retail sales of **alcoholic** beverages by the bottle, can, pack, or case, for off-premise consumption. Should gross receipts from the sale of distilled alcoholic beverages exceed gross receipts from other sales and activities on the premises during any one (1) month, it shall be prima facie evidence that the principal purpose of the establishment is the sale of alcoholic beverages.

Parking Garage or Lot- An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use. A fee may be charged.

Parts Yard- A lot, parcel or portion thereof used for the purpose of storage of **vehicle** components for re-use or sale and organized by component type in such a way as each component is identifiable. (No piles)

Personal Wireless Facility- See Wireless Telecommunications Facilities

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

Quarrying- 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. (Ord 1120 16 July 1980)

Recreational Vehicle- A **vehicle** either self-propelled or a unit that is mounted on or drawn by another vehicle primarily designed for temporary habitation. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. A recreational vehicle shall not be permanently affixed to the ground or any structure.

Recreational Vehicle Park- A lot on which sites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sale of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and buffer yards are privately owned or owned in common by members of a condominium association.

Recreational Use Area- Athletic fields or stadiums, race tracks, and speedways and other areas for public uses, including golf driving ranges, swimming pools, fishing lakes and similar uses (Ord 1120)

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.

Restaurant, Fast Food- An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard- A business which prepares, sells, and serves food and beverages to customers for consumption within the restaurant building or on the building site at outside tables. Businesses of this type include, but are not limited to, café, cafeteria, dining room, tearoom, coffee shop, hot dog stand, and sandwich shop. Carryout service may be provided, but not curb service or drive-thru window service. A restaurant may involve service of liquors, table wine and beer with State and local licenses, but must derive at least 51% of its gross revenue from the sale of food and non-alcoholic beverages and devote 51% or more of the floor area to the restaurant use.

Savings and Loan- 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. (Defined in Ord 1787 – 15 Dec 2014)

Scrap Yard- see Junkyard

Sign- Any device, structure, fixture, or placard using graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, products, goods, or services. City Ordinance 1742 (8 Mar 2013)

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.

Subdivision- As defined in Code of Alabama 1975, § 11-24-1(a)(4), the development and division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or otherwise

for the purpose of establishing or creating a subdivision through the sale, lease, or building development of the lot or lots.

Exclusions: A subdivision shall not include any of the following:

- a. The construction or development of roads or buildings on private property to be used for agricultural purposes. See, Code of Alabama 1975, § 11-24-1(a)(4);
- b. The public acquisition by purchase or donation of strips of land for the widening or opening of streets:
- c. Property divided between immediate family members as provided in Code of Alabama 1975, § 11-24-2(d);
- d. The division of land into parcels greater than five (5) acres wherein all of the following criteria are met and shown on a plat to be filed with the Judge of Probate with a certificate on the plat stating that all criteria are met:
 - (i) frontage on existing roads of each parcel is at least sixty (60) feet,
 - (ii) the extension of public utilities is not required, and
 - (iii) in the opinion of the developer's licensed engineer, there will be no additional storm water runoff created.
- e. Parcels which qualify for exemptions from subdivision criteria and rules and regulations imposed by the State Board of Health pursuant to Code of Alabama 1975, § 22-26-7 provided they also meet all of the criteria set out in (d)(i), (ii), and (iii) above.

Tavern- see Bar

Telecommunications- the transmission and reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems. (Ord 1500 - 8 Mar 2001)

Telecommunications Site- See Wireless Telecommunications Facilities

Telecommunications Structure- a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'. (Ord 1500 – 8 Mar 2001)

Telecommunications Tower- See Wireless Telecommunications Facilities

Telecommunications Tower, Fall Zone- The area located around the base of the tower, with a radius equal to one-half the height of the tower.

Temporary Dwelling- Any structure intended for short-term human habitation not fixed to the ground by a foundation or other permanent anchoring system and not meeting the definition of a Building, Manufactured or Modular Home.

Tent (or similar structure)- a portable shelter intended for habitation made of cloth, supported by one or more poles and stretched tight by cords or loops attached to pegs driven into the ground. Includes but is not limited to picnic covers, portable shades, teepees, yurts and Hoberman style shelters but does not include those intended for children's play.

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

Town House- Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with at least one (1) other unit, and located in a structure containing three (3) units or more.

Unsafe (building)- (untenable or dangerous condition) all buildings or structures which have any or all of the following defects shall be deemed unsafe, untenable or dangerous condition:

1. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
2. Those which have been damaged by fire, wind and/or other causes so as to have become dangerous to life, safety, morals or the general health or welfare of the occupants or the people of the City of Talladega, Alabama;
3. Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those living therein;
4. Those having light, air and sanitation facilities which are inadequate to protect the health, morals, safety or general welfare of human beings who live therein or may live therein;
5. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of evacuation;
6. Those which have parts thereof which are so attached that they may fail and injure members of the public or property;
7. Those which, because of their condition, are unsafe, unsanitary or dangerous to the health, morals, safety or general welfare of the people of this City;
8. Those buildings existing in violation of any provision of the building code or any other relevant code of this City, or any provisions of the fire prevention code, or other ordinances of this City. (Ord 1749 – 3 June 2013)

Utility, Public- The services provided by the City or a contractor thereof including but is not limited to water, sanitary sewer, storm drains, electrical, telephone and television cable, associated supporting structures, easements and rights-of-way as well as the materials used for the distribution thereof. Public utilities may be located underground, at grade level or overhead.

Vehicle- any machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, every automobile, motorcycle, mobile trailer, semi-trailer, truck, truck tractor, trailer, tractor, buggy or wagon and any other device that is self-propelled or drawn, in, upon, or by which any person or property is or may be transported or drawn upon a public highway except such as is moved by animal power or used exclusively upon stationary rails or tracks. (Ord. 1735 – 20 Aug 2012)

Wireless Communications Service Provider- Any private company, corporation or similar such entity providing two-way interactive communications services to the general public by way of Cellular Communications facilities.

Wireless Telecommunications Facilities- a structure, facility or location designed, or intended to be used as, or used to support, antennas. It includes without limit, free standing towers, guyed towers, monopoles, and similar structures that employ camouflage technology, including, but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other similar structures intended to mitigate the visual impact of an antenna or the functional equivalent of such. It is a structure intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal telecommunications services, commercial satellite services, or microwave telecommunications, but excluding those used exclusively for the City's fire, police and other dispatch telecommunications, or exclusively for private radio and television reception and private citizen's bands, amateur radio and other similar telecommunications. (Ord 1500 – 8 March 2001)

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.

Section 302. Use Categories Defined

302.01 Agriculture- Agricultural uses include farms (and farm residences); fish or poultry hatcheries; fur-bearing animal ranches; orchards; raising of livestock, horses, or poultry; truck farming; and all other agricultural uses. It does not include uses that may be accessory to agriculture, such as retail stores, nor does it include industries or businesses that support or are supported by agriculture.

302.02 Residential- Residential uses consist of a single-family detached dwelling on a lot, developments consisting of two (2) or more lots intended for detached single-family dwellings (**subdivision**), developments consisting of one (1) or more multi-family dwellings (apartment/condominium) or **townhouses** and **manufactured home parks**.

302.03 Commercial- Commercial uses consist of banks, general services, any retail, any professional service and mixed-use residential over a commercial, retail or professional service space.

The use of temporary and/or portable structures for the primary use building shall be prohibited. Temporary construction trailers are exempted for permitted construction sites and shall be removed not later than the date of issue of the Certificate of Occupancy.

302.04 Office and Services- Office uses consist of medical clinics, dental clinics, home care services, businesses that support the health industry, financial

services to include banks without drive-throughs, professional services and retail or wholesale services. Offices must have a connection to water, power and sanitary sewer. An approved septic system may be substituted for a municipal sewer connection in areas where sanitary sewer service is not available.

The use of temporary and/or portable structures for the primary use building shall be prohibited. Temporary construction trailers are exempted for permitted construction sites and shall be removed prior to issue of the Certificate of Occupancy.

302.05 Industrial- Industrial and manufacturing uses are facilities which may create any or all of the following: high truck traffic intensity, loud noises, noxious smells, vibrations, require a large area of exterior storage space and have the potential for the creation of negative environmental impacts. They consist of, but are not limited to petroleum processing or distribution plants, grain elevators, lumber mills, machine and fabrication facilities and lumber yards. Operations that occupy more than 30,000 sq. ft. floor area in a single structure is considered industrial.

302.06 Extraction/Wrecking/Junk/Parts Yards includes any entity engaged in the business of automotive salvage, disassembly of machinery and extraction of materials from same, and processing of scrap materials. This type facility has a high potential to create negative environmental impacts due to discharge of petroleum products, heavy metals and chemicals. This use category is restricted to the I-2 (fmr. M-2) zoning district.

ARTICLE 4

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 5

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.

Section 508. Premises Identification

All primary use structures and any buildings intended for habitation and/or public assembly shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or Latin alphabet letters. Numbers shall be a minimum of four (4) inches (102mm) high with a minimum stroke width of one-half (0.5) inch (12.5mm). Secondary use structures used for storage, housing machinery (i.e.: electrical, communications, HVAC) or parking shall be exempt from this requirement.

ARTICLE 6

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-1AG	Rural Residential Agricultural
R-2	Rural Residential
R-3	Single Family Residential
R-4	Low-Density Multi-Family Residential
R-5	Medium-Density Multi-Family Residential
R-6	High-Density Multi-Family Residential
MHP	Manufactured Home Park

C-1	Neighborhood Commercial
C-2	Central Business
C-3	General Commercial
C-4	Shopping Center District
O&S	Offices and Services
I-P	Institutional Park
I-1	Industrial
I-2	Industrial, Heavy
Special Districts	
PUD	Planned Unit Development
MHA	Manufactured Home Area
FHZ	Flood Hazard Zone
ORA	Outdoor Recreation Area

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 un-subdivided 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 7

R-1AG Rural Residential Agricultural Zoning District

Section 701. Locational Intent.

The R-1AG 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.

The use of **recreational vehicles** for temporary and/or recreational habitation as a **dwelling** shall be prohibited for longer than thirty (30) days within a ninety (90) day period without a permit from the City except at designated campgrounds.

The use of a **tent** as a **dwelling** shall not be permitted for longer than thirty (30) days within a ninety (90) day period without a permit from the City except at designated campgrounds.

It is not the intent of this regulation to prevent the property owner or lessor from occupying a **recreational vehicle** or **tent** if the **principal use building** has been damaged or otherwise temporarily rendered **unsafe** or unsuitable for habitation or during the construction of a dwelling for the duration that building permits are in force (but *not greater than one hundred eighty days*).

Section 702. Uses Permitted.

One-family dwellings. Further regulated in Section 5.01 and Section 508.

Accessory use

Airfields when located on at least ten acres

Agriculture, Commercial, provided that buildings used for housing fowl or animals, storing grain or feed or processing products shall not be located closer than one hundred (100) feet to any property line.

Agriculture, Non-Commercial, provided that all related accessory buildings are located in the rear yard.

Buildings, Accessory

* **Campground, Developed or Undeveloped**, provided that the property owner holds a current business license category 721210. For RVs (**camping, modern**) the lot must be a minimum of five (5) acres. Vehicles shall be in a state such that they are ready for immediate road use and have a current registration. All external connections must be by quick-disconnects. Leveling and/or stabilization must be made with jacks or similar devices designed into the vehicle.

OR

Three (3) acres for tent, hammock etc. camping (**camping, primitive.**) only. ,

Cemeteries.

Churches.

Club, Golf, public or private, type I or II

* **Club, Hunting/Fishing/Gun type I or II** provided that any practice range or hunting area is permitted is located outside of the municipal boundary. (Ord.1437) (13A-8-1(5))

Day Care Services, public or private to include pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides to a height of at least four (4) feet.

Equestrian Schools and Stables, provided that any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.

Home occupations. (Ord 1704)

Kennels, provided that no portion of a building, structure, outdoor run or pen used to house or exercise such animals shall be located closer than one hundred (100) feet to any property line.(Ord 1799)

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

Private schools and publicly-owned and operated community structures and lands.

Public utility structures and lands.

Quarrying

* **Recreational Vehicle Park** as a special use when located on at least five (5) acres.

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

Sawmills, if temporary or portable for the cutting of timber on the surrounding land, provided that machine operations are not located closer than two hundred (200) feet to any property line.

Signs, Accessory use. (See Ord. 1847 21Mar2019)

Signs, Principal use.

Telecommunications towers provided the fall zone does not encroach into any roadway rights-of-way, overhead utility easements or beyond the property boundary.

** Indicates a conditional permitted use requiring a positive recommendation from the Planning and Zoning Commission and approval by Resolution from the City Council.*

Section 703. Minimum Building Site.

Width: 250 feet

Depth: 250 feet

Area: Unless otherwise specified, two (2) 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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 8

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.

The use of **recreational vehicles** for temporary and/or recreational habitation as a **dwelling** shall be prohibited for longer than thirty (30) days within a ninety (90) day period without a permit from the City except at designated campgrounds.

The use of a **tent** as a **dwelling** shall not be permitted for longer than thirty (30) days within a ninety (90) day period without a permit from the City except at designated campgrounds.

It is not the intent of this regulation to prevent the property owner or lessor from occupying a **recreational vehicle** or **tent** if the **principal use building** has been damaged or otherwise temporarily rendered **unsafe** or unsuitable for habitation or during the

construction of a dwelling for the duration that building permits are in force (but *not greater than one hundred eighty days*).

Section 802. Uses Permitted.

One-family dwellings. Further regulated in Section 5.01 and Section 508.

Accessory use

Agriculture, Commercial and Non-Commercial

Buildings, accessory

Buildings, Community or Public Service (must service a residential area)

Cemeteries.

Churches

Day Care Services, public or private to include pre-schools, day nurseries, and kindergartens, provided that any play area is enclosed on all sides to a height of at least four (4) 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.

Golf courses, Public and private

Home occupations.(Ord 1704)

Equestrian Schools and Stables provided that any structure, pen or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.

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

Parks, public (includes playgrounds)

Schools, private.

Signs, Accessory use (See Ord. 1847 21Mar2019)

Signs, Principal use

Structures, **Utilities, public** and land

Uses, Accessory

Section 803. Minimum Building Site.

Width: 100 feet

Depth: 200 feet

Area: Unless otherwise specified, twenty thousand (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:

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

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

Side: 10 feet

Rear: 30 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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 9

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.

The use of **recreational vehicles** for temporary and/or recreational habitation as a **dwelling** shall be prohibited for longer than thirty (30) days within a ninety (90) day period without a permit from the City except at designated campgrounds.

The use of a **tent** as a **dwelling** shall not be permitted for longer than thirty (30) days within a ninety (90) day period without a permit from the City except at designated campgrounds.

It is not the intent of this regulation to prevent the property owner or lessor from occupying a **recreational vehicle** or **tent** if the **principal use building** has been damaged or otherwise temporarily rendered **unsafe** or unsuitable for habitation or during the construction of a dwelling for the duration that building permits are in force (but *not greater than one hundred eighty days*).

Section 902. Uses Permitted.

Further regulated in Section 5.01 and Section 508.

One **family-dwellings**.

Accessory use

Agriculture, Non-Commercial 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.

Buildings, accessory

Churches

Fowl, Keeping of, See Sect. 907

Golf courses, Public and private

Home occupations. (Ord. 1704)

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

Parks, public (includes playgrounds, community buildings, and similar public service facilities serving residential areas.)

Pre-School, public or private. Includes 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.

Schools, public and private.

Signs, Principal use- limited to subdivision signs. (See Ord. 1847 21Mar2019)

Signs, Accessory- limited to those indicating that the property and/or structure thereon is for sale, rent or lease but not indicating the presence of a home occupation.

Structures,

Utilities, Public and land

Uses, Accessory

Section 903. Minimum Building Site.

Width: 85 feet

Depth: 120 feet

Area: 11,000 square feet

Section 904. Minimum Yards.

Building Setback Line:

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

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

Side: 10 feet

Rear: 30 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 27, OFF-STREET PARKING AND LOADING.

Section 907 Keeping Fowl In R-3.

The keeping or maintaining of horses, mules, cattle, sheep, goats, hogs, fowl or any other such animal shall be restricted to zoning districts Rural Residential Agricultural (R-1AG) and Rural Residential (R-2) except that the keeping of female **fowl** is allowed within the R-3 Single-Family Residential Zoning district under the following conditions:

1. The minimum lot size of the property is 11,000 square feet;
2. The principal use of the property is a single-family dwelling;
3. The number of **fowl** does not exceed:
 - a. eight (8) on lots 11,000 square feet to 19,999 square feet
 - b. twelve (12) on lots 20,000 square feet or greater;
4. All fowl are kept in an enclosure or fenced area such as a henhouse, coop or chicken tractor at all times;
5. The enclosure or fenced area is a minimum of six (6) square feet per animal;
6. The **fowl** are not kept in any location on the property other than in the back yard (the rear yard of the principal structure);
7. The covered enclosure or fenced area is a minimum of ten (10) feet from any property line of an adjacent property and thirty (30) feet from neighboring dwellings, church, school, or place of business;
8. The enclosures are kept in a clean, dry, odor-free, neat, and sanitary condition at all times;
9. The owner takes necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites;
10. Each bird shall have an identifying band on one or both legs.

The keeping of male fowl and the slaughtering of any fowl is strictly prohibited inside of the R-3 district.

It shall be unlawful to engage in the breeding of fowl or the production of fertilizer for commercial purposes.

It shall be unlawful for the owner of any fowl to allow the animal(s) to be a nuisance to any neighbors, by but not limited to:

1. Noxious odors from the animals or their enclosure.
2. Noise of a loud and persistent and habitual nature.

ARTICLE 10

R-4 Low Density Multi-Family Residential Zoning District

Section 1001. Uses Permitted.

The permitted uses and restrictions in Sections 901, through and including 906 of the R-3 zoning district

Further regulated in Section 501 and Section 508.

Two-family dwellings.

Boarding house (or rooming house).

Cluster developments

Retail/Commercial personal services not as a **home occupation**, limited to barber shops and beauty/nail salons with not more than three (3) customer stations, tax preparation and financial planning/consulting services, party/event spaces (without food preparation equipment) and catering services (preparation and storage of food prior to delivery only).

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 forty-five (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 ten (10) acres.
3. There shall be no more than four single-family units per cluster.
4. There shall be a minimum of twenty (20) feet between each building cluster.
5. All storm water runoff shall be retained on the site.
6. At least twenty-five (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 one (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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 11

R-5 Medium Density Multi-Family Residential Zoning District

Section 1101. Uses Permitted.

All permitted uses and restrictions of the R-4 zoning district

Further regulated in Section 5.01 and Section 508.

Condominiums.

Multi-family dwellings.

Nursing or convalescent homes.

Townhouses

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 forty-five (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 forty-five (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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 12

R-6 High Density Multi-Family Residential Zoning District

Section 1201. Uses Permitted.

All permitted uses and restrictions of the R-5 zoning district
Further regulated in Section 501 and Section 508.

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 twenty (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 forty-five (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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 13

MHP Manufactured Home Park Residential Zoning District

Section 1301. Uses Permitted.

Manufactured home park.

Further regulated in Section 501 and Section 508.

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

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

Office and maintenance buildings incidental to a manufactured home park.

Sign, Accessory use

Sign, principal use

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

Section 1302. Manufactured Home Park Plan.

A manufactured 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) manufactured 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 manufactured home or other building in the park shall be located closer than ten (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 manufactured home park.
5. No structure or building other than a mobile home in a manufactured 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 manufactured homes shall be provided consisting of a minimum of five thousand (5,000) square feet for each space exclusive of common driveways and walkways, which space shall be at least fifty (50) feet wide and clearly defined.
7. On each manufactured home space, there shall be provided at least two (2) paved off-street parking spaces for vehicles other than a manufactured home, each not less than ten (10) feet wide by twenty (20) feet long and

connected by a paved twelve (12) foot wide drive to a common driveway or street.

8. Manufactured homes shall be so located on mobile home spaces that there shall be at least a twenty (20) foot clearance between mobile homes, or between mobile homes and other buildings within the park.
9. All manufactured home spaces shall abut a public street, or a paved driveway of not less than twenty (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 one hundred ten (110) volts each shall be provided for each manufactured home space.

Section 1303. Sanitary Facilities in Manufactured Homes.

Each manufactured home shall contain at least one (1) 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 manufactured 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. **Accessory buildings** used solely for storage shall be exempt from this requirement.

Section 1305. Sewage and Refuse Disposal.

1. Waste from showers, bath tubs, flush toilets, urinals, lavatories, and laundry facilities in a manufactured 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 manufactured 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 manufactured 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 (dumpsters) will be supplied by the property owner. Manufactured 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.

All roads, streets and access ways intended for vehicular use within a Manufactured Home Park shall conform to current fire code standards for width and length of turning radii and shall be compacted and surfaced in such a manner

as to reasonably accommodate the weight of fire apparatus during inclement weather.

Section 1308. Licenses Required.

No person shall maintain or operate a manufactured home park within the City of Talladega without a license therefor. Existing parks shall make application for initial license within ninety (90) days after the adoption of this Ordinance.

Section 1309. License Fees.

The annual license fee for each manufactured home park shall be according to the license fee schedule.

Section 1310. Register of Occupants.

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

1. The name and address of each manufactured home occupant.
2. The name and address of the owner of each manufactured home and motor vehicle by which it is towed.
3. The make, model, year, and vehicle registration number of each manufactured 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 manufactured 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 manufactured home park licensee, or a duly authorized attendant or caretaker, shall be in charge at all times and shall keep the manufactured 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 manufactured home park license shall be conspicuously posted in the office of or on the premises of the manufactured home park at all times.

Section 1313. Revocation of License.

The building inspector shall revoke any license to maintain and operate a manufactured 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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 14

C-1 Neighborhood Commercial Zoning District

Section 1401. Locational Intent

Single or multiple attached structures housing low traffic intensity businesses intended to serve the residential district in which they are located.

Section 1402. Uses Permitted.

All permitted uses and restrictions of the R-6 zoning district. (Ord 1805 19 Oct 2015)
Further regulated in Section 501 and Section 508.

Accessory use

Building, accessory

Building, Public (incl. utilities)

Business, Retail

Business, Service

Business, Personal Service

Business, Retail Service

Bank, (Ord 1787 - 15 Dec 2014)

Bar (or **Lounge/Tavern**) (Ord 1787 - 15 Dec 2014)

Clinics, medical or dental Definition of use in Sect. 302.04

Club Type I or **Club, Type II**, public or private (Ord 1787 - 15 Dec 2014)

Churches

Convenience Oriented Business provided 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 twenty-five (25) feet in width.

Credit Union (Ord 1787 - 15 Dec 2014)

Land, Public

Laundry or dry cleaning pick-up stations

Manufacturing, Incidental

Offices, when all activities are located within the principal use building only. Use defined in Sect. 302.04

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

Radio, television, and appliance repair shops provided that not more than two (2) service vehicles are operated from the establishment

Restaurant, Standard

Savings and Loan (Ord 1787 - 15 Dec 2014)

Schools teaching art, dancing and music

Sign, Accessory (See Ord. 1847 21Mar2019)

Sign, Principal use

Section 1403. 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 1404. Minimum Yards.

Building Setback Line:

30 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 ten (10) feet if provided, except that when adjoining a residential zoning district there shall be side yards of not less than twenty (20) feet and a landscaped buffer shall be provided.

Rear:

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

Section 1405. Maximum Building Height.

Three (3) stories or forty-five (45) feet, whichever is less.

Section 1406. Required Off-Street Parking and Loading.

As stated in Article 27, OFF-STREET PARKING AND LOADING.

ARTICLE 15

C-2 Central Business Commercial Zoning District

Section 1501. Uses Permitted.

The same permitted uses and restrictions of 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 but not in the Historic District - Ord 1741 – 3 Dec 2012)

Further regulated in Section 501 and Section 508.

Antique Stores (Ord 1741 – 3 Dec 2012)

Art Gallery (Ord 1741 – 3 Dec 2012)

Beauty Salon (Ord 1741 – 3 Dec 2012)

Book Store (Ord 1741 – 3 Dec 2012)

Bars (or Lounges/Taverns) (Ord 1787 – 15 Dec 2014)

Broadcasting stations (not in the Historic District - Ord 1741 – 3 Dec 2012)

Business schools (not in the Historic District - Ord 1741 – 3 Dec 2012)

Business holding a Professional Business License (Ord 1741 – 3 Dec 2012)

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

Continuing Education (Ord 1741 – 3 Dec 2012)

Floral Shop (Ord 1741 – 3 Dec 2012)

Laundry and dry-cleaning services.

Health and Personal care store (Ord 1741 – 3 Dec 2012)

Jeweler (Ord 1741 – 3 Dec 12)

Laboratories (not in the Historic District - Ord 1741 – 3 Dec 2012)

Loft Apartments (Ord 1741 – 3 Dec 2012)

Museums (Ord 1741 – 3 Dec 2012)

Nurseries and greenhouses but not in the Historic District - Ord 1741 – 3 Dec 2012)

Off-Premise Advertising Signs (Ord 1742)

Off-street parking service on a commercial basis but not in the Historic District (Ord 1741 – 3 Dec 2012)

Printing and engraving businesses but not in the Historic District (Ord 1741 – 3 Dec 2012)

Real estate sales (Ord 1741 – 3 Dec 2012)

Restaurant, Standard (Ord 1741 – 3 Dec 2012)

Retail Apparel and Accessories, men's and women's (Ord 1741 – 3 Dec 2012)

Schools, Art and Dance but not in the Historic District (Ord 1741 – 3 Dec 2012)

Theater, Indoor (Ord 1741 – 3 Dec 12)

Wholesale business, including storage and display but not in the Historic District (Ord 1741 – 3 Dec 2012)

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 16

C-3 General Commercial Zoning District

Section 1601. Uses Permitted.

The same permitted uses and restrictions of the R-6 and C-1 zoning district.

Further regulated in Section 501 and Section 508.

Accessory use

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

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

Automotive Service Stations

Banks (Ord 1787 - 15 Dec 2014)

Bars (or Lounge/Tavern)

Broadcasting stations

Buildings, Accessory

Business schools

Campground, provided that the property owner hold a current business license category 721210. For RVs (**camping, modern**) the lot must be a minimum of ten (10) acres, the vehicle shall be in a state such that it is ready for immediate road use and have a current registration. Any external connections must be by quick-disconnects. Leveling and/or stabilization must be made with jacks or similar devices designed into the vehicle or five (5) acres for tent, hammock etc. camping (**camping, primitive.**) The use of **recreational vehicles** for temporary and/or recreational habitation as a **dwelling** shall be prohibited for longer than thirty (30) days within a ninety (90) day period without a permit from the City.

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

Credit Unions (Ord 1787 - 15 Dec 2014)

Deferred Presentment Services (Pay Day Loans & similar) (Ord 1787 - 15 Dec 2014)

Exterior Storage but not Junk or Parts Yards

Gift and hobby shops

Hotels

Laboratories

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

Mortuaries

Night Clubs (Ord 1787 - 15 Dec 2014)

Nurseries and greenhouses

Off-Premise Advertising Signs (Ord 1742)

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

Off-street parking service on a commercial basis

Package Stores

Printing and engraving businesses

Professional offices Definition of use in Sect. 302.04

Restaurant, Fast Food and Standard

Telecommunications Towers provided the fall zone does not encroach into any roadway Rights-of-Way, overhead utility easements or beyond the property boundary.

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

Utilities, Public (structures and land)

Wholesale businesses, including storage and display

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 ten thousand (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 twenty (20) feet plus one (1) foot for each foot of building height above twenty (20) feet.

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

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

Rear:

None required but if provided not less than ten (10) feet plus one (1) foot for each foot in height above forty (40) feet if lot area is less than ten thousand (10,000) square feet or not less than 20 feet plus one (1) foot for each foot in height above forty (40) feet if lot area is ten thousand (10,000) square feet or more. If lot adjoins a residential district, a rear yard setback of not less than forty (40) feet plus one (1) foot for each foot in height above forty (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 ten thousand (10,000) square feet in area shall be only at clearly defined and marked entrances and exits no greater than twenty-five (25) feet in width separated by a curb or similar barrier to vehicular movement of at least twenty-five (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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 17

C-4 Shopping Center Commercial Zoning District

Section 1701. Uses Permitted.

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

Further regulated in Section 501 and Section 508.

Amusement, theatres, or recreational businesses, but not including drive-in theatres
Automobile showrooms, provided that no more than ten (10) automobiles may be displayed outside per agency.

Hotel

Off-Premise Advertising Signs (Ord 1847)

Package Store

Parking Garage or Lot

Public buildings

Restaurants, Fast Food and Standard

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 or 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 twenty (20) feet if provided, except that side yards adjacent to residential zoning districts there shall be not less than twenty (20) feet plus one foot for each foot in height above twenty (20) feet. Side yard buffer shall be provided when property adjoins residential district.

Rear:

None required, but not less than twenty (20) feet if provided, except that rear yards adjacent to residential zoning districts there shall be not less than forty (40) feet plus one (1) foot for each foot in height above forty (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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 18

O&S Offices and Services Zoning District

Section 1801. Uses Permitted.

See section 302.04 for definition of use

Churches

Clinics (not Veterinarian)

Drugstores and apothecaries.

Florists when all activities are within a building.

Laundry and dry-cleaning pick-up and drop-off

Medical/Dental Offices and Services (not Veterinarian)

Nursing Services

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

Professional offices.

Restaurant, Standard- when an accessory use of another permitted use.

Sign, Accessory (See Ord. 1847 21Mar2019)

Sign, Principal use

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

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

Rear:

Not required, but not less than twenty (20) feet if provided, except that rear yards adjacent

To residential zoning districts shall not be less than forty (40) feet plus one (1) foot for every foot in height above forty (40) feet.

Section 1804. Maximum Building Height.

None.

Section 1805. Required Off-Street Parking and Loading.

As stated in Article 27, OFF-STREET PARKING AND LOADING.

ARTICLE 19

I-P Institutional Park Zoning District

Section 1901. Uses Permitted.

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.

Churches

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

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

Public utility structures and lands.

Signs, Accessory (See Ord. 1847 21Mar2019)

Signs, Principal use

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. Further regulated in Section 501 and Section 508.

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. Further regulated in Section 501 and Section 508.

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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 20

I-1 Light Industrial Zoning District

Section 2001. Conditions of Operation. All uses in the I-1 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. The definition for this category of use is located in Sect. 302.06 Further regulated in Section 508.

Section 2002. Uses Permitted

Accessory use

Agriculture

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

Banks (Ord 1787 - 15 Dec 2014)

Credit Unions (Ord 1787 - 15 Dec 2014)

Bars, Lounges and Clubs (Type I & II) (Ord 1787 - 15 Dec 2014)

Bottling plants or dairies.
Building materials storage or wholesaling

Building, Accessory

Construction Yards
Contractor's Yards
Greenhouses and florists
Laundry and dry cleaning plants
Laboratories
Lumber yards
Manufacturing, fabricating, processing, assembling, repair or servicing or any product or commodity

Motels

Offices See Sect 302.04 for Definition of use
Petroleum products, storage or sales
Storage or warehousing facilities

Restaurants, Fast Food and Standard

Retail businesses

Savings and Loans (Ord 1787 - 15 Dec 2014)

Service businesses

Signs, Accessory (See Ord. 1847 21Mar2019)

Signs, Off-Premise Advertising (See Ord. 1847 21Mar2019)

Signs, Principal use

Telecommunications Towers

Theatres, including drive-in theatres
Truck terminals
Utilities, Public (structures and land)
Veterinarian offices and kennels
Wholesale businesses.

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 27. OFF-STREET PARKING AND LOADING

ARTICLE 21

I-2 Heavy Industrial Zoning District

Section 2101. Conditions of Operations. All uses in the I-2 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 I-2 zoning district without the aid of instruments.

Section 2102. Uses Permitted.

All uses permitted in the I-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. See pg.# See Sect 302.06 for Definition of use.

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 twenty (20) feet plus one (1) foot for every foot in height above twenty (20) feet. Side yard buffer shall be provided when property adjoins residential district.

Rear:

Not required, but not less than twenty (20) feet if provided, except that rear yards adjacent to residential zoning districts shall not be less than forty (40) feet plus one foot for every foot in height above forty (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, 27, OFF-STREET PARKING AND LOADING

ARTICLE 22

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~~ compliment the Comprehensive Plan.
6. Landscaping and open space shall be an essential part of the master plan. At least twenty-five (25) percent 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 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 manufactured 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 27, 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 fifteen (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 27, 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 twelve (12) feet in width.

ARTICLE 23

Areas of Special Flood Hazard

Section 2301. Locational Intent.

Areas of Special Flood Hazard identified on the "Flood Hazard Boundary Map" (also known as a Flood Insurance Rate Map or FIRM, prepared by the Federal Emergency Management Agency). These areas lie within the 1% chance of flooding 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 1854 (dated 23 Sept 2019).

No portion of any structure may extend into a designated floodway without a FEMA approved "No Rise" certificate.

ARTICLE 24

MHA Manufactured Home Area Zoning Overlay District

Section 2401. Uses Permitted.

Manufactured Homes.

One-family dwellings.

Further regulated in Section 501 and Section 508.

Buildings, Accessory use

Churches

Golf Courses, Public or Private

Home occupations

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

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

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

Signs, Accessory (See Ord. 1847 21Mar2019)

Signs, Principal use

Utility, Public (structures and land)

Section 2402. Location of Manufactured Homes.

Only one manufactured 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 27, OFF-STREET PARKING AND LOADING.

ARTICLE 25

HP Historical Preservation Zoning Overlay District

Reserved for future use

ARTICLE 26

ODR Outdoor Recreation Area Zoning District (Overlay)

Section 2601 Permitted Uses

All permitted uses in the underlying zoning district

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

Buildings, accessory

Campground, Developed or Undeveloped provided that the property owner holds a current business license category 721210.

- For campgrounds that allow RVs, all vehicles shall be in a state such that they are ready for immediate road use and have a current registration. All external

connections must be by quick-disconnects. Leveling and/or stabilization must be made with jacks or similar devices designed into the vehicle.

- All tent and RV sites where open burning is permitted shall be equipped with a fire ring and/or a cleared location for placement of a portable grill or fire pan.

Club, Golf, public or private, type I or II.

Club, Hunting/Fishing/Gun type I or II and other similar recreational enterprises when located on at least ten acres and all activities are located at least two hundred (200) feet from any property line.

Equestrian Schools and Stables, provided that any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.

Laundromats as an accessory to a specific Outdoor Recreation Area only.

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

Playgrounds for the exclusive use of the owner/caretaker and customers

Recreational Vehicle Park provided that the property owner holds a current business license category 721210 and/or license category 493110 (General Warehousing and Storage) if the vehicle is placed for purpose of long-term storage. The vehicle shall be in a state such that it is ready for immediate road use and have a current registration. Any external connections must be by quick-disconnects. Leveling and/or stabilization must be made with jacks or similar devices designed into the vehicle.

Signs, Accessory (See Ord. 1847 21Mar2019)

Signs, Principal use

Utility, Public (including structures and land)

Section 2602 Register of Occupants.

It shall be the duty of each Campground and Recreational Vehicle Park licensee to keep a register containing a record of all occupants located within the park. The register shall contain the following information.

1. The name and address of each site occupant.
2. The name and address of the owner of each recreational vehicle/recreational trailer and motor vehicle by which it is towed.
3. The make, model, year, and vehicle license plate number of each recreational vehicle/recreational trailer and motor vehicle by which it is towed.
4. The state, territory, or county in which vehicles are registered.
5. The date of arrival and of departure of each registered guest.

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 2603 Density of Sites

The maximum number of sites available for the permitted use of Campground, Developed or Undeveloped shall not exceed eight (8) RV sites or twelve (12) tent sites per acre.

Section 2604 Sanitary Waste Disposal

All campgrounds and Recreational Vehicle Parks shall provide facilities for the disposal of human waste which is available to guests at all times. These may

include, but are not limited to, portable toilets and permanent or prefabricated restroom facilities with either a sewer connection or approved septic system.

Section 2605 Period of use

No person except the owner, caretaker, manager or watchman occupying the one-family dwelling (if present) may inhabit the property for longer than fourteen (14) days within a thirty (30) day period.

Section 2607 Garbage Receptacles.

Metal garbage containers (dumpsters) will be supplied by the owner. Each licensee will be responsible to see that all garbage and rubbish are placed in the containers.

Section 2608 Licenses Required.

No person shall maintain or operate a **Club, Campground or Recreational Vehicle Park** within the City of Talladega without all applicable licenses and permits.

Section 2609 Fire Protection.

Every **Recreational Vehicle Park and Campground** which has accommodations for open fires shall be equipped at all times with fire suppression 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 2610 First Responder Access

All roads, streets and access ways intended for vehicular use within a campground or RV Park shall conform to current standards for width and length of turning radii and shall be compacted and surfaced in such a manner as to reasonably accommodate the weight of fire apparatus during inclement weather. Pathways intended for the use of off-road vehicles, non-motorized vehicles and/or pedestrians are exempt from this requirement.

Section 2611 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 2612 Required Off-Street Parking and Loading.

As stated in Article 27, OFF-STREET PARKING AND LOADING

ARTICLE 27

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. Spaces shall be a minimum of twenty-two (22) feet in width for perpendicular parking, eighteen (18) feet in width for sixty (60°) degree parking and fifteen (15) feet in width for forty-five (45°) degree parking. All spaces shall be a minimum of twenty (20) feet deep and delineated by striping. Curb and gutter or wheel-stop devices

shall be provided. The surface shall be improved and sufficiently hardened to accommodate commercial truck traffic and drained in a manner that run-off does not impact neighboring property(ies). Alternate parking spaces other than the “standard” stalls described above may be considered on a case by case basis. The number of spaces shall be equal to at least the minimum requirements for the specific use with which associated as set forth below:

Automobile Service Stations- Four (4) parking spaces for each service bay or similar facility plus one space for each attendant.

Churches, Theatres, Auditoriums, Clubs, Stadium, or Other Places of Public Assembly- One (1) parking space for each four (4) seats in the principal assembly room or area.

Dwellings- Two (2) parking spaces for each dwelling unit.

Educational or institutional campus facilities – One (1) parking space for each two (2) employees plus one (1) space for each vehicle used directly in the support of the facility.

Educational Housing Dormitories, Fraternity, Sorority, or Group accommodations – Four (4) spaces per room or equivalent capacity within four hundred linear feet of the main entrance of the structure either on campus or on public property set aside for the purpose of off-street parking.

Hospitals, Sanitariums, or Nursing Homes - One parking space for every two (2) patient beds plus one (1) space for every three (3) staff members. (Ord 1466 – 3 Aug 1999)

Motels and Hotels- One (1) parking space for each room offered for guest accommodation.

Mobile Home Parks- Two (2) parking spaces for each mobile home space.

Offices, or Professional or Public Buildings- One (1) parking space for each two hundred square feet of floor area, or four spaces for each separate office, whichever is greater.

Outdoor Recreation Areas (campgrounds, modern or primitive) – One (1) parking space per single RV or tent site. Four (4) parking spaces for group sites intended for use by ten (10) or more persons or one (1) parking space per two (2) tent pads.

Retail or Wholesale Trades or Services – Five (5) 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. (Ord 1466 - 3 Aug 1999)

Rooming Houses, Boarding Houses, and Tourist Homes- One (1) parking space for each rental room.

Shopping Centers – Five (5) parking spaces for each one thousand square feet of area devoted to trade or service activity. (Ord 1466 - 3 Aug 1999)

Warehousing, Manufacturing, or Industrial Establishments- One (1) 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 ten (10) feet by 25 feet for each five thousand (5,000) square feet of floor area or part thereof.

Wholesale Businesses and Industries- one space ten (10) feet by fifty (50) feet for each ten thousand (10,000) square feet of floor area or 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 of dispense with, or to cause the discontinuation 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.

ARTICLE 28

Driveways and Fences

Section 2801. Driveways

All driveways connecting to a road or street owned and/or maintained by the Public Works Department of the City of Talladega shall be permitted by the Building Inspector and the director of Public Works

Section 2802. Driveway cross-drain pipes

All driveway cross-drain pipes shall be of a material approved by the Director of Public works and placed so that the inlet and outlet ends are at the depth specified by the Director of Public Works.

Alternately, the property owner/developer may request that City of Talladega forces install driveway cross-drain pipes. The property owner/developer shall be responsible for providing the materials, at no cost to the City, specified by the Director of Public Works and scheduling a time for installation that is convenient for City forces.

Section 2803. Fences

No fence of any kind may be erected within the City of Talladega without a building permit issued by the City Building Inspector.

Section 2804. Placement of any fence along a City street

No fence may be erected closer than five (5) feet to the City's Right-of-Way. Where there exists an intersecting street, the set-back distance may be increased as directed by the Director of Public Works where there exists an encroachment of said fence into any clear zone or where it interferes with the sight distance along the intersected road.

Section 2805. Existing Non-conforming Fences

Existing non-conforming fences shall be made to conform when such structure is damaged more than fifty (50%) of the replacement value or is demolished for the purpose or replacement or renovation.

ARTICLE 29

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 2901. 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 2902. Unsafe Buildings. (Ord 1749 – 3 June 2013)

Section 2903. 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 2904. Restoration.

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

Section 2905. Abandonment.

Whenever a nonconforming use has been discontinued for a period of one (1) year, such use shall not thereafter be re-established, and any future use shall be in conformity with the provision of this Ordinance.

Section 2906. Change to Another Nonconforming Use Not Allowed.

No nonconforming use may be changed to another nonconforming use. The change of non-conforming use to another of the same category shall not constitute a violation of this section.

Section 2907. Changes.

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

Section 2908. Enlargement.

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

ARTICLE 30

Exceptions and Modifications

Section 3001 - 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 3002 - 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 fifteen (15) feet from the street right-of-way line, whichever is greater.

Section 3003 - 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, waters towers, observation towers, telecommunications towers, chimneys, smokestacks, conveyors, flag poles, masts and aerals.

Section 3004 - 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 22. For dwellings, the open space between buildings shall not be less than twenty (20) feet for one story buildings, thirty (30) feet when either building is a two-story building, forty (40) feet plus an additional ten (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 twenty (20) feet; such space shall not be counted as a yard for any other building.

ARTICLE 31

Administration and Enforcement

Section 3101. 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 3102. 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 construction of any building, or to commence the moving of any building or the alteration of any building to the extent of more than one thousand (\$1000), 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 3103. 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 the amount indicated on the City Schedule of Fees as the threshold for requiring a building permit.
 - 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 3104. 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 3105. 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 3106. 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 3107. 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 32

Board of Adjustment and Appeal

Section 3201. Appointment

The Board of Adjustment and Appeal (the Board) 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 3202. Procedure

The Board 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 minutes of 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 3203. Appeals. How Taken

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

Section 3204. Public Hearings

The Board 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 3205. Stay of Proceedings

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the building inspector certifies to the Board 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 3206. 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 33

Amendments

Section 3301. 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 forty-five (45) period or its next regularly scheduled meeting, it shall be deemed to have approved the proposed amendment.

Section 3302. 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 in accordance with State advertising laws.

ARTICLE 34

Severability

Section 3401

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 35

Conflicting Ordinances

Section 3501

In the event any ordinance, amendments, provisions and all parts of any such ordinances conflict with this Ordinance, the more stringent shall govern.

ARTICLE 35

Effective Date

Section 3601

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

ADOPTED AND APPROVED this the 12th day of October, 2020.

Council President Trae Williams

Councilman Horace Patterson

Council Member Vickey R. Hall

Councilman Joseph Power, Jr.

Council Member Betty Spratlin

City Manager, Elizabeth Cheeks

ATTESTED TO: Joanna Medlen, City Clerk