

ORDINANCE No. 135-248

20220201000045980 1/3 \$28.00
Shelby Cnty Judge of Probate, AL
02/01/2022 03:50:22 PM FILED/CERT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PELHAM, ALABAMA
APPENDIX A - ZONING, ARTICLE XXV – DETAILED USE REGULATIONS – SECTION
2 – STANDARDS APPLICABLE TO CERTAIN USES – SECTION 6 – HOME OCCUPATION
BY REPEALING SAID SECTION 6 AND REPLACING WITH A NEW SECTION 6

WHEREAS, the City of Pelham has determined that it is in the best interest of the City to amend Appendix A – Zoning – Article XXV –Detailed Use Regulations – Section 2 – Standards Applicable to Certain Uses – Section 6 – Home Occupation by repealing said Section 6 in its entirety and replacing with a new Section 6 of the Code of Ordinances, City of Pelham, Alabama, which is contained within and is a part of Ordinance No. 135-182, thereto as hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pelham, Alabama that Appendix A - Zoning, Article XXV – Detailed Use Regulations – Section 2 – Standards Applicable to Certain Uses – Section 6 – Home Occupation by repealing said Section 6 in its entirety and replacing with a new Section 6 – Code of Ordinances, City of Pelham, Alabama shall be amended as follows:

Section One:

SECTION 6. Home Occupation is hereby repealed in its entirety and replaced with the following.

SECTION 6. Home Occupation

Home occupation or integral part thereof shall be allowed in any residential district. Home occupations are permitted subject to stipulations in each district and to the following conditions:

1. The home occupation shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the use permitted in the district of which it is a part. Such use shall not adversely affect the general welfare of the surrounding residential area due to potential noise, electrical interference, increased pedestrian and vehicular traffic or any other conditions which would constitute an objectionable use of residentially zoned property.
2. Customary home occupations shall be limited to an office.
3. The home occupation shall be confined to 25 percent of the principal building and shall not be conducted in any accessory structure located on the same lot as the principal dwelling.
4. There shall be no outside display, or inside/outside storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
5. No equipment uses other than that normally used in connection with a residence shall be allowed.
6. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment of help other than those members of the residential family.
7. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.
8. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted.
9. No merchandise shall be distributed to customers on the premises.
10. No advertising material shall indicate the business hours, address and/or physical location of the business.
11. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.
12. The on-site repair of vehicles shall be prohibited as a home occupation.
13. Any applicant for a home occupation shall submit an application form together with any documentation required by this section to the business license office. The zoning official or a person designated shall have three business days to approve or deny the application or inform the applicant that more information is needed to reach a decision.

- 14. Each applicant for home occupation approval shall submit a tax notice or deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval. The letter shall include name, address, and telephone number of the property owner.
- 15. No more than one home occupation shall be approved in any residential dwelling unit.
- 16. If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this section, the application shall be denied.
- 17. The building official, the zoning official, or a person designated by the city council, shall have the right to enter and inspect the dwelling for compliance purposes following advance notice to the property owner.
- 18. The issuance of a business license to a service contractor, who performs work at other locations, does not constitute permission to store materials, tools, vehicles, or construction equipment on the property of the address listed on the license.
- 19. Off-street parking spaces, landscaping and buffers, and any signage shall be in accordance with the requirements for the applicable zoning district under which this detailed use is located.

Section Two: Each of the provisions of this ordinance is severable; and if any provision shall be declared to be invalid, the remaining provisions shall not be affected but shall remain in full force and effect.

Section Three: All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

Section Four: This ordinance shall become effective upon its passage and publication or posting as required by law.

THEREUPON Rick Wash, a councilmember moved and Mildred Lanier, a councilmember seconded the motion that Ordinance No. 135-248 be given vote. The roll call vote on said motion was as follows:

Maurice Mercer, Council President	<u>Yes</u>
David Coram, Councilmember	<u>Yes</u>
Larry Palmer, Councilmember	<u>Yes</u>
Rick Wash, Councilmember	<u>Yes</u>
Mildred Lanier, Councilmember	<u>Yes</u>

Ordinance No. 135-248 passed by majority vote of the Council and the Council President declared the same passed.

ADOPTED this 24th day of January 2022.

Maurice Mercer
Maurice Mercer, Council President

David Coram
David Coram, Councilmember

Larry Palmer
Larry Palmer, Councilmember



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Rick Wash, Councilmember

Mildred Lanier, Councilmember



ATTEST

Tom Seale, MMC, City Clerk/Treasurer

APPROVED:

Gary W. Waters, Mayor

1/24/2022

Date

POSTING AFFIDAVIT

I, the undersigned qualified City Clerk/Treasurer of the City of Pelham, Alabama, do hereby certify that the above and foregoing ORDINANCE No. 135-248 was duly ordained, adopted, and passed by the City Council of the City of Pelham, Alabama at a regular meeting of such Council held on the 24th day of January 2022 and duly published by posting an exact copy thereof on the 25th day of January 2022 at four public places within the city, including the Mayor's Office at City Hall, Pelham Recreation Center, Pelham Water Works and Pelham Library, and at www.pelhamalabama.gov. I further certify that said ordinance is on file in the Office of the City Clerk/Treasurer and a copy of the full ordinance may be obtained from the Office of the City Clerk/Treasurer during normal business hours.

Tom Seale, MMC, City Clerk/Treasurer

