

ORDINANCE NO. 767-10
AMENDED

**AN ORDINANCE AMENDING THE ZONING
ORDINANCE FOR THE CITY OF HELENA, ALABAMA**

BE IT ORDAINED by the City Council of the City of Helena, Alabama:

Pursuant to Section 11-52-78 of the Code of Alabama, 1975, as amended, the Zoning Ordinance of the City of Helena, Alabama, is hereby amended in the following manner:

BE IT ORDAINED BY THE CITY OF HELENA, ALABAMA AS FOLLOW:

That Article IV shall be amended to add the following definition:

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

And:

That Article VI be amended to add Section 21 to read as follows:

SECTION 21. Detailed Accessory Use Regulations: Home Occupations.

A. Purpose. It is the purpose of this Section to provide residents of the City of Helena a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

B. General Regulations. All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. No more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

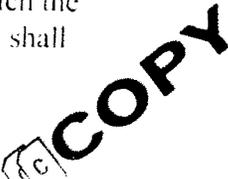
At the Planning Commission or City Council's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

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2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.
4. No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation.
5. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted.
6. No more than one (1) company or commercial vehicle shall be parked at the premises at any time – including but not limited to cars, vans, trucks, and utility trailers. Off-street parking shall be provided on the premises, as required by Article XXVII of the Helena Zoning Ordinance. No parking of commercial vehicles, or residential vehicles displaced by same, shall be permitted on the street.
7. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.
8. No merchandise shall be distributed to customers on the premises.
9. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
10. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation in line voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
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 without first receiving written authorization from the Helena Police Department
12. The on-site repair of vehicles shall be prohibited as a home occupation.

C. Application Procedures. Any applicant for a home occupation shall submit an application form, together with any required attachments, and may be required to pay a fee to the City of Helena. Said application shall be reviewed by the designated city staff and approved or denied based on the applicant's ability to meet the requirements set out herein. Should the staff deem it necessary any application for home occupation may be presented to the City Council for review and action.

Each applicant for home occupation approval shall submit a 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.

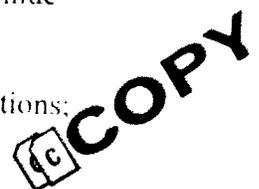
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No more than one (1) home occupation shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

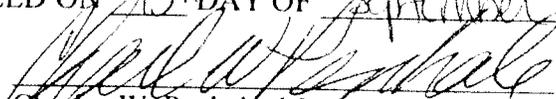
D. Other Provisions.

1. Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered home occupations under this Section, but shall be regulated as set out by City Code 734-07 Section 26 and the Code of Alabama. These businesses, if previously approved as home occupations, may continue operating as such until the expiration of the current business license.
2. Yard or garage sales shall be exempt from these regulations under the following conditions:
 - a) No more than two (2) garage sales will be permitted per year;
 - b) A garage sale permit must be obtained prior to each sale;
 - c) Garage sale signs shall be no closer than 20 feet from a county or state right-of-way or 11.5 feet from a city right-of-way;
 - d) No signs are to be posted on utility poles or traffic control signs such as stop, yield or any other public sign.
 - Sales shall last no longer than two (2) consecutive days;
 - Sales are held no more than two (2) times per year, with an intervening time period of at least 30 days;
 - The property on which the sale is conducted shall be owned by one of the participants;
 - No goods purchased for resale may be offered for sale;
 - No consignment goods may be offered for sale;
 - All directional or advertising signs shall be removed immediately upon completion of the sale.
3. The Building Official, or his/her designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.
4. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:
 - a) The home occupation was approved prior to the effective date of these regulations;

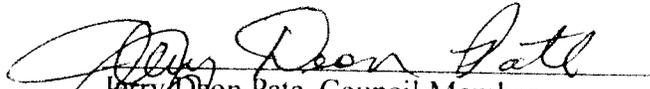
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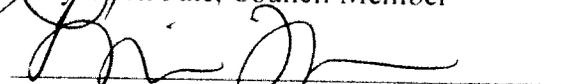
- b) The home occupation is in compliance with all regulations in effect at the time of its approval;
 - c) The business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
 - d) The home occupation holds a valid business license issued by the City of Helena
 - e) The home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
 - f) All signs shall be removed immediately;
 - g) Limitation on company vehicles and outside display/storage of materials shall become effective immediately upon adoption of this Ordinance.
5. Home Occupations are not transferrable from one property owner to another. Upon sale of property the existing nonconforming home occupation shall cease operation. New owners wishing to conduct the same or a different home occupation must petition the City for a new home occupation license and must come into compliance with all home occupation regulations in place at that time.

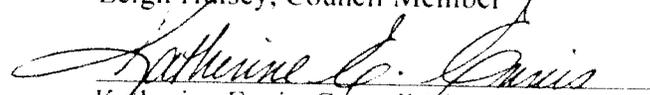
ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HELENA, ALABAMA AT COUNCIL MEETING HELD ON 13th DAY OF September, 2010.

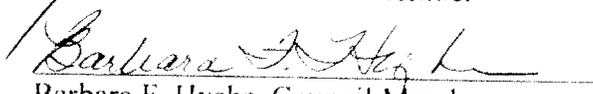

 Charles W. Penhale, Mayor

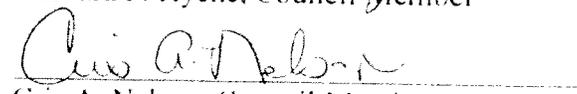
Attest:


 Jerry Doon Pate, Council Member


 Leigh Hulsey, Council Member


 Katherine Ennis, Council Member


 Barbara F. Hyche, Council Member


 Cris A. Nelson, Council Member


 Amanda C. Traywick, City Clerk

