



Mayor:
STAN HOVELAND

City Council:
ADAM BERENDT
GREG COLVERT
ALVIN CURRINGTON
WILL HARDMAN
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New Business Start-Up Guide for Home Occupations

- **Letter of Intent*** - Provide a detailed letter describing the proposed business and site address. Zoning of the property will be verified to make sure the proposed business is a Permitted Use in that zoning district.
- **Conditional Use Application** – Complete the Conditional Use Application and return with the \$75.00 filing fee along with your Letter of Intent for review.
- **Business License Inspection** – When the site is ready to open for business, contact Inspection Services for an inspection, which will be performed by the Building Inspector and the Fire Marshal. If approved, they will sign-off on the Business License Release Form to be submitted to the City Clerk's office.
- **Business License** - Visit the City Clerk's Office (205) 631-8789 to secure your business license (Business License Application). They can also provide you with all tax and licensing information at the local, state and federal level.

***Letter of Intent** should include the following:

1. Name of proposed business
2. Site address
3. Business owner contact information (*i.e. address other than business, phone number, email address*)
4. Number of employees
5. Days and hours of operation
6. Detailed description of business (*i.e. general retail, products being sold, services offered, business or professional office*)
7. Type, number, and storage of vehicles, if applicable
8. Storage of products (On-site/Off-site)
9. Any Deliveries (*i.e. UPS, FedEx, Airborne*)
10. Opening Date
11. Signage

CONDITIONAL USE APPLICATION FOR THE CITY OF GARDENDALE, ALABAMA

Part I. Application Form

Name of Applicant:

Mailing Address:

Telephone:

Signature of Property Owner:

Signature of Agent of Property Owner:

Part II. Parcel Data

Owner of Record:

Mailing Address:

Address of Property under Consideration:

Tax Map ID#

Existing Zoning:

Existing Land Use:

Part III. Request

Type of Conditional Use Requested:

Part IV. Enclosures (Check all required enclosures with this application):

Vicinity Map showing location of the property.

Letter from Property Owner authorizing Conditional Use request.

3 copies of Site Plan where deemed applicable, drawn to scale and dimensioned, showing the property boundaries and proposed development layout prepared by an Alabama Registered Professional Engineer. (Plot plan not required for Home Occupation request.)

Applicant must, at time of application, provide Building Inspector with names & addresses of adjacent property owners.

\$75 Filing Fee, plus the cost incurred in notification by first class postage & publication.

NOTICE: The completed application and all required attachments must be filed at least twenty-one days [21] prior to the Gardendale Planning & Zoning Commission Public Hearing. **The applicant must be present at hearings.**

FOR OFFICE USE ONLY:

Received By:

Date Received:

Scheduled Public Hearing Date:

CITY OF GARDENDALE
"HOME OFFICE" HOME OCCUPATION –
ADMINISTRATIVE REVIEW PROCEDURES
TO BE APPROVED BY THE BUILDING OFFICIAL AND/OR
HIS REPRESENTATIVE AS A 'CONDITIONAL USE'

SITE ADDRESS: _____

- NO SIGNS WILL BE DISPLAYED.
- NO CLIENTS WILL VISIT THE RESIDENCE.
- THE BUSINESS MAINLY CONSISTS OF THE USE OF COMPUTER AND TELEPHONE LINES.
- EMPLOYMENT SHALL BE LIMITED TO MEMBERS OF THE FAMILY RESIDING IN THE DWELLING, AND THERE SHALL BE NO EMPLOYMENT OR HELP OTHER THAN THOSE MEMBERS OF THE RESIDENTIAL FAMILY.
- ABSOLUTELY NO STORAGE.
- MINIMAL DELIVERIES BY U.P.S., FEDERAL EXPRESS, ETC.
- INSPECTION BY BUILDING OFFICIAL AND/OR REPRESENTATIVE SHALL BE PERMITTED.
- ALL OTHER REQUIREMENTS OUTLINED IN ZONING ORDINANCE #2013-02 SHALL BE ADHERED TO BY THE APPLICANT.

ZONING ORDINANCE NO. 2013-02, §8.11 AND THE ADMINISTRATIVE REVIEW PROCEDURES LISTED ABOVE MUST BE MET IN ITS ENTIRETY WHEREBY REQUESTS FOR HOME OFFICES MAY BE APPROVED AS A CONDITIONAL USE BY THE BUILDING OFFICIAL OR HIS REPRESENTATIVE. OTHERWISE, ALL APPLICATIONS FOR HOME OCCUPATIONS MUST BE APPROVED BY THE COMMISSION FOR CONDITIONAL USE APPROVAL. IF §8.11 IS NOT MET, THE BUILDING OFFICIAL DOES HAVE AUTHORITY TO ISSUE A CEASE AND DESIST ORDER AND RESCIND THE BUSINESS LICENSE EFFECTIVE IMMEDIATELY.

I HEREBY ACKNOWLEDGE THAT THE ABOVE INFORMATION IS CORRECT AND THAT I HAVE READ AND UNDERSTAND THE ABOVE STIPULATIONS.

PLEASE PRINT NAME

SIGNATURE

DATE

As Building Official for the City of Gardendale empowered by the Planning & Zoning Commission by Resolution No. 2004-01 to approve certain qualifying Home Occupations for which a precedent for approval has already been set and based on the information furnished to this office, I HEREBY GRANT APPROVAL FOR A BUSINESS LICENSE FOR USE AS A "HOME OFFICE".

Signature _____

§8.9. Nursing Care/Nursing Home Facility

Where permitted, a Nursing Care Facility shall comply with the following:

- 8.9.1. A Site Plan shall be submitted in accordance with §4.2.2 Site Plan Review.
- 8.9.2. Two hundred (200) sf of open space, exclusive of required front yards, side yards, buffer areas, parking areas, loading spaces or other purposes shall be provided on the premises for each bed in the nursing care facility. The open space shall be open and unobstructed from the ground upwards.

§8.10. Cemeteries

Where permitted, Cemeteries shall comply with the following:

- 8.10.1. A Site Plan shall be submitted in accordance with §4.2.2 Site Plan Review.
- 8.10.2. No part of a cemetery shall be located closer than two hundred (200) ft to any residential district nor closer than five hundred (500) ft to any hospital or nursing care facility.
- 8.10.3. A six (6) ft high protective wall or decorative fence shall be constructed along all property lines, except at points of ingress and egress. Cemeteries shall be exempt from any other required buffering or screening along public rights-of-way. The facility shall install gates with locks at points of ingress and egress.
- 8.10.4. No grave site shall be located closer than one hundred fifty (150) ft to a water line or underground water supply.
- 8.10.5. No mausoleum, crematoriums or any other building or structure (accessory to or incidental to a cemetery) shall be located closer than two hundred (200) ft to any property line.

§8.11. Home Occupations

Where permitted, Home Occupations shall comply with the followings:

8.11.1. General Standards.

- 1. Home Occupations shall be clearly incidental to residential use of the dwelling and shall not change the essential character of the dwelling or adversely affect the uses permitted in the district. No Home Occupation shall be permitted, which might interfere with 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.
- 2. Home Occupations shall be confined to twenty-five (25) percent of the principal dwelling, and the business shall not be conducted in any accessory building(s), except for an approved Home Office within an Accessory Dwelling Unit. In addition, no additional buildings or structures may be constructed in connection with the Home Occupation.
- 3. For an approved Accessory Dwelling Unit or a dwelling unit within a multi-family development, consideration may be given for approval of a Home Office ONLY, subject to §8.11.3 following.
- 4. In no case shall any unoccupied dwelling be used for a Home Occupation.
- 5. No outside storage shall be used in connection with the Home Occupation.
- 6. Employment shall be limited to members of the family residing in the dwelling, and there shall be no employment or help other than those members of the residential family.
- 7. No display of products shall be visible from the street, and only articles which are included as part of the Conditional Use approval may be sold from the premises.
- 8. The business shall not create any noise which is audible from off the premises and shall not emit any smoke, vibration, fume or dust which affects nearby properties.

- 9 Instruction of music, art, dancing and similar activities shall be limited to two (2) students at a time, and any noise created by the activity shall not be detectable beyond the property line.
 - 10 No more than two motor vehicles related to a Home Occupation may be parked on the premises of any dwelling or accessory structure. Such vehicles may be trucks not exceeding three-quarters ton in load capacity, vans or automobiles, provided that such vehicles must be parked on a portion of the premises that was paved or otherwise designed as a parking area or driveway prior to the commencement of the Home Occupation.
 - 11 Unless otherwise stipulated by the Commission, the activity carried on as a Home Occupation shall be limited to the hours between 7:00 A.M. and 10:00 P.M.
 - 12 Minimal deliveries of office supplies by services, such as UPS and Federal Express shall be permitted only
 - 13 The Building Official and/or a representative of the Fire Department of the City shall be permitted to make an inspection upon receipt of the initial application; and, in addition, make annual inspections at license renewal time or at any time, upon reasonable request, to enter and inspect the premises covered for safety and compliance purposes.
 - 14 The Building Official and/or representative of the Fire Department shall file with the Commission a written inspection report advising the commission that the licensee is in compliance with this section or, if not in compliance, to set out any area of non-compliance.
 15. Should a Home Occupation licensee die or move to a new location, the existing license shall automatically terminate, except that, in the case of death, should a surviving spouse or adult then residing at the same residence desire to continue the Home Occupation, the license would remain in effect, if otherwise in compliance.
 - 16 Signs shall be subject to §10.6 Signs Permitted in Residential Areas.
- 8.11.2 Prohibited Occupations. Business activities that shall not be permitted as Home Occupations include, but are not limited to:
1. On-site storage or presence of explosives, hazardous materials, or any substance or activity that is determined to constitute a threat to the public health or safety;
 2. On-site servicing, repair or painting of motor or other vehicles, or any motorized equipment, excluding small household appliances and personal computers;
 3. A boarding house or inn, or the like;
 4. A welding or machine shop, or the like;
 5. Rental, use, dispatch, sale or lease of a hearse, ambulance, wrecker or tow truck, taxi or limousine when such vehicle is brought to the site.
 6. A Nursing Care Facility, Group Day Care Home, Day Care Home, Group Care Home or the like. NOTE: Day Care Homes, Group Day Care Homes, and Group Care Homes are regulated separately from Home Occupations but may otherwise be permitted subject to the applicable provisions in this Ordinance.
 7. Hair salon.
 8. Medical services.
- 8.11.3. Administrative Approval of Home Office. Recognizing that technology offers new opportunities to work in the home environment and that many Home Occupations, by their nature, are limited to computer and telephone usage and are not considered to be detrimental to the residential neighborhood or its citizens, the Building Official or his representative is authorized to establish an Administrative Review process whereby requests for home offices may be approved as a conditional use. Otherwise, all applications for Home Occupations must be approved by the Commission for conditional use approval.

- 8.11.4. Application and Inspections. Application shall be made in writing to the Inspection Services Department on forms supplied by that office. Inspection of the premises shall be made by the Building Official and/or Fire Department designee as part of the approval process.
- 8.11.5. Revocation of Approval. If the recipient of any Home Occupation approval does not abide by the conditions of the approval, the Building Official has the authority to issue a Cease and Desist Order and to take appropriate action to have the business license immediately rescinded.
- 8.11.6. Home Occupations Appeals. The ZBA may hear an appeal by any applicant denied an application for a Home Occupation under the following conditions:
 1. A written application for appeal is submitted to the ZBA indicating the section of this chapter under which the use is required.
 2. All contiguous property owners shall be individually notified by written letter of the time and place of the ZBA's meeting and the applicant's intentions at least seven days prior to such meeting. The applicant shall furnish to the ZBA a list containing the names and current addresses of the contiguous property owners.
 3. The applicant shall appear in person or by agent or attorney at the meeting.
 4. The approval of the application will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
 5. The occupation is in harmony with the purpose and the intent of this article and will not be injurious to the neighborhood or to the general welfare.
 6. The approval of the application is the only administrative action necessary in order to make the requested occupation meet the intent and spirit of this article at the specified location.
 7. The application is not for a use that is specifically disallowed in the specified district.
 8. The ruling on a Home Occupation appeal shall be determined using the definitions and requirements for an approved Home Occupation as a guide.

§8.12. Mini-Warehouses

Where permitted, mini-warehouses shall comply with the following standards. Additional development standards may be required as conditions of approval when deemed necessary.

- 8.12.1. Area and Dimensional Standards:
 1. A minimum lot size of three (3) acres shall be required for a mini-warehouse development when such development does not exceed one (1) story in height. In all other cases, the minimum acreage shall be reduced by one half (1/2) acre for each story in height. However, in no case shall such mini-warehouse development exceed forty-five (45) ft in height.
 2. When such development does not exceed one (1) story in height, there shall be a maximum of thirty (30) storage units or 15,000 sf of enclosed storage area per acre.
- 8.12.2. A Site Plan shall be submitted in accordance with §4.2.2 Site Plan Review. The Site Plan shall provide adequate space and turning radius for the parking, circulation, stacking and turning movements of moving vans and trucks and fire fighting apparatus/vehicles. At a minimum, the following shall be observed:
 1. All one-way drive aisles shall provide one 10-ft wide parking lane and one 10-ft wide travel lane. Traffic direction and parking shall be designated by signs or painting.
 2. All two-way drive aisles shall provide one 10-ft wide parking lane and two 12-ft wide travel lanes.
 3. Any other site requirements determined through the Conditional Use procedure to minimize impacts on adjacent property.
- 8.12.3. Use Limitations.