



CITY OF CLAY, ALABAMA ORDINANCE 2016-01

AN ORDINANCE TO AMEND

ORDINANCE 2006-07, ZONING ORDINANCE

WHEREAS, the City Council of the City of Clay, Alabama adopted Ordinance 2006 – 07 on March 27, 2006, and

WHEREAS, the provisions of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified or repealed by the City Council in accordance with the procedures stated in Section 1105 of Ordinance 2006 - 07; and

WHEREAS, this Ordinance has been previously amended by Ordinances 2007-12, 2008-10, 2008-11, 2008-12, 2009-09, 2010-02, 2011-03, 2011-04, 2012-06, 2013-01, 2013-02, 2013-04, 2013-08, 2013-18, 2014-02, 2015-02, 2015-16, and 2015-18; and

WHEREAS, the Planning and Zoning Commission held a public hearing on January 4, 2016; and

WHEREAS, the Planning and Zoning Commission recommends amending Section 513 as attached (A); and

WHEREAS, the Planning and Zoning Commission recommends adding Section 517 Conditional Zone as attached (B); and

WHEREAS, the Planning and Zoning Commission recommends amending Section 709.05 as attached (C); and

WHEREAS, the Planning and Zoning Commission recommends adding Section 710.09 as attached (D); and

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Clay, Alabama that based on the recommendation of the Planning and Zoning Commission, Sections 513, and 709.05 of Ordinance 2006 – 07 are hereby amended as seen in Attachment A and Attachment C.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Council of the City of Clay, Alabama that based on the recommendation of the Planning and Zoning Commission, Sections 517, and 710.09 of Ordinance 2006 – 07 are hereby adopted as seen in Attachment B. and Attachment D.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the City Council of the City of Clay, Alabama that based on the recommendation of the Planning and Zoning Commission, Supplemental Use 730 of Ordinance 2006 – 07 is no longer necessary and. hereby deleted

ADOPTED AND APPROVED this 4th Day of January, 2016.

ATTEST: _____

Charles K. Webster
Mayor

Ronnie Dixon
City Manager

Ordinance 2016-01 Attachment A:

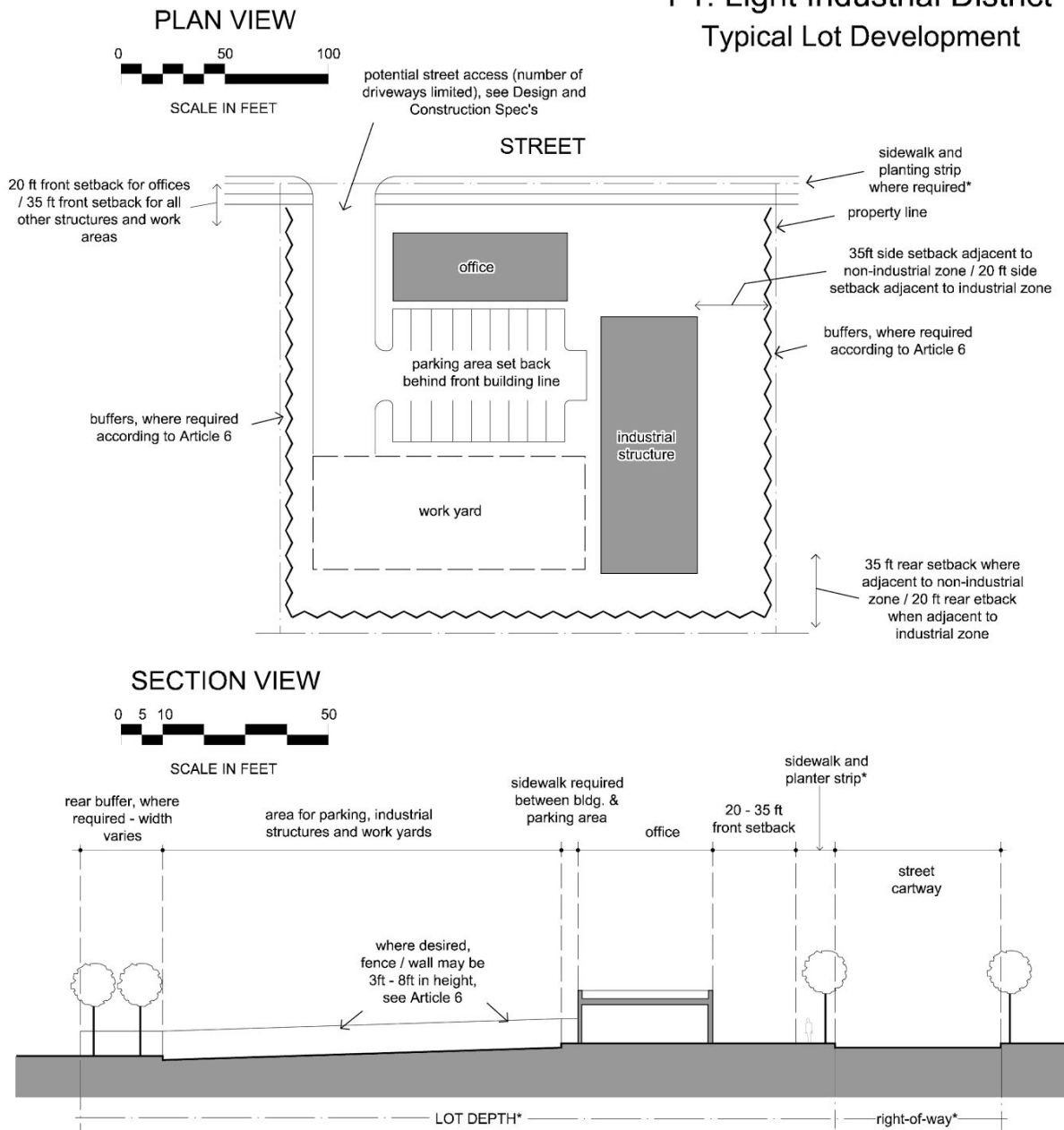
Section 513: I-1 Light Industrial Zone. A district providing for **light industrial, and retail** uses that are determined to be least offensive or detrimental to adjoining properties in terms of health, safety, comfort, aesthetics, the general welfare of, and overall compatibility with, the surrounding area.

513.01. Uses Permitted Subject to Supplemental Use Regulations. All of the following uses shall be subject to the provisions of §710 Industrial Uses, except as otherwise noted.	
<ul style="list-style-type: none"> ▪ fabricating, processing, assembling, repair and manufacturing and the retail sale of product used or produced. Uses not permitted are those determined to be especially detrimental to health and safety beyond the district by reason of emission of odor, dust, gas, fumes, smoke, noise, vibration or waste material ▪ bottling and distribution plants warehouses ▪ contractor and building material yards ▪ distribution yards for gasoline/fuel oil tank trucks; provided that all bulk storage tanks and loading platforms shall be set back no less than 150 feet from adjoining Lot Lines ▪ laundry and dry-cleaning plants ▪ research labs 	<ul style="list-style-type: none"> ▪ automobile repair services, major and minor ▪ vehicle and equipment repair, major ▪ vehicle and equipment sales, major ▪ truck or bus terminal facilities ▪ wholesaling, warehousing, lumber yards and other businesses to which outdoor storage is accessory or incidental, including bulk material storage yards, but provided that the operation does not involve the storage of any materials of an explosive or toxic nature ▪ animal shelters §710 ▪ mini-warehouses, mini-storage §716 ▪ temporary outdoor sales §722 ▪ wireless communication services §730
513.02. Special Exception Uses.	
<ul style="list-style-type: none"> ▪ telecommunications towers §718 	<ul style="list-style-type: none"> ▪ public utility facility §729
513.03. Area and Dimensional Requirements. The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 6: General Requirements and Article 7: Supplemental Use Regulations.	
Maximum building height	3 stories
Maximum lot coverage (Impervious surfaces)	determined by required yards and buffers
Min. Front Yard setback	<ul style="list-style-type: none"> ▪ 20 feet for office / administrative buildings only ▪ 35 feet for all other structures and work yards
Min. Rear Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> ▪ 35 feet when adjoining or abutting a non-industrial Zone ▪ 20 feet when adjoining or abutting an industrial Zone
Min. Side Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> ▪ 20 feet for office / administrative buildings only ▪ 35 feet when adjoining or abutting a non-industrial Zone ▪ 20 feet when adjoining or abutting an industrial Zone
Fences and walls	3ft min. and 8 ft. max., subject to §605
Buffers	subject to §604 and §605

513.04. Additional Requirements.

- A. Storage, repair and work yards, dumpsters, utility appurtenances, loading and service areas, etc. shall be located behind the front building line and screened from public view in accordance with the provisions of §605.
- B. Parking shall be provided to the rear or side of the front-most building or otherwise behind the Front Yard setback. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §805.
- C. The lighting shall comply with Section 11.4 of the City of Clay Design and Construction Guidelines.

I-1: Light Industrial District Typical Lot Development



* Sidewalks and planter strips to be provided in Easement unless otherwise approved to be in Right-of-Way by City Council and/or other applicable authorities. Refer to Design and Construction Specifications for Throughfare Design criteria.

Section 710. Industrial Uses.

All industrial uses shall conform to the following standards:

710.01. All industrial operations shall be in compliance with all State and Federal Government regulations as required by the most recent regulations made available by these governmental bodies, including but not limited to noise, air pollution, vibration, radiation, and the pollution of groundwater, surface water, and soils.

710.02. Odor. Emission of odorous gases or other odorous matter in such quantities as to be offensive at any Lot Line shall not be permitted.

710.03. Toxic Gases. All industrial uses shall emit no noxious, toxic or corrosive fumes or gases.

710.04. Glare and Heat. All industrial uses shall carry on no operations that would produce heat or glare beyond the Lot Line of the lot on which the industrial operation is located.

710.05. Waste Products. Storage of waste materials shall not be permitted except in an enclosed building or approved containers. No potentially dangerous effluent shall be discharged.

710.06. Screening. Where any industrial parcel is contiguous to a residential or commercial zone or to a public right-of-way, all outdoor storage areas shall be screened from such districts and said public right-of-way by a landscape screen or other visual barrier with plantings. The landscape screen shall be composed of evergreen plants and trees arranged to form both a low level and a high level screen. The high level screen shall consist of evergreen trees planted at an initial height of not less than four (4) feet and planted at intervals of not more than ten (10) feet. The low level screen shall consist of two rows of evergreen shrubs or hedges planted at an initial height of not less than two (2) feet and spaced at intervals of not more than five (5) feet. The low level screen plantings shall be placed in an alternating or staggered pattern to produce a more effective visual barrier. An alternative visual barrier shall be a six (6) foot high opaque fence or wall with plantings of trees, shrubs and/or vines along the outside surfaces of the fence or wall.

710.07. Landscaping. Any part or portion of the site that is not used for buildings, other structures, loading or parking spaces, aisles, sidewalks and designated storage areas, shall be provided with an all-season ground cover.

710.08. Access and Traffic Control. Access to and from the site shall be designed in a manner conducive to safe ingress and egress. The developer shall be responsible for the construction of any necessary traffic control devices or additional lanes required by the Alabama Department of Transportation. All entrances and exits shall conform to the applicable driveway regulations of this Ordinance.

710.09.

Section 605. Screening

605.01. Generally

- A. For the purposes of this article, fences and walls shall have the same meaning.
- B. Screening is intended to provide both visual and physical separation of conflicting uses on-site and between adjacent properties.
- C. Screening shall be designed to be compatible with the surrounding environment and shall not dominate the view.

605.02. Uses to Be Screened. The following shall be screened:

- A. Garbage collection, including dumpsters, recycle bins and/or refuse handling areas;
- B. Service entrances, maintenance areas or utility structures associated with a building or development;
- C. Water meters, gas meters, electric meters and air conditioning/mechanical units;
- D. Loading docks or spaces;
- E. Outdoor storage of materials, stock and equipment; and
- F. Any other uses for which screening shall be required by the Commission.

605.03. Safety Provisions.

- A. Screening shall not compromise safety by blocking vision at intersections or obstruct the visibility of vehicles entering or leaving driveways.
- B. Fences and screens shall not block access to any above-ground, pad-mounted transformer and shall provide the minimum clear distance required by the utility company.

C. Fences and screens shall not impede or divert the flow of water in any drainage way.

605.04. Design Requirements.

A. Fences designed for screening shall be made of masonry, ornamental metal, vinyl, or durable wood, or a combination thereof. **Untreated wood, chain-link (without vinyl coating), plastic or wire shall not be permitted.** Fences fronting public streets shall have masonry columns located fifty (50) feet on center maximum.

B. Solid fences shall not create a stockade appearance. This can be accomplished in a number of ways, including adding an evergreen screen on both sides of the fence or by undulating the plan of the fence. Fences over one hundred (100) feet long should have no more than fifty (50) percent of their length in a straight line, unless the entire fence is set back five (5) feet or more from the Lot Line, with evergreen planting in the setback area.

C. The minimum height for screening shall be whatever is sufficient to visually separate the uses and shall also meet the following standards:

1. Fences or walls located in a required front, rear or Side Yard shall not exceed six (6) feet in height. The minimum height needed is preferred.

2. Fences or walls used to screen service or loading areas shall not exceed eight (8) feet in height.

3. Fences or walls used to screen dumpsters shall be at least two (2) feet higher than the container.

4. Berms used for screening shall be a minimum height of four (4) feet with a maximum slope of three to one (3:1). Berms in excess of four (4) feet shall have a maximum slope of four to one (4:1) measured from the Lot Line.

5. Shrubs used for screening shall be evergreen; at least thirty (30) inches high when installed; spaced closely together so as to create a hedge, but not farther than five (5) feet on center; and be shrub species that shall attain an average normal growth height of five (5) to six (6) feet within four (4) years.

6. Trees used for screening shall be evergreen and at least six (6) feet in height when installed.

D. No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face the abutting property.

E. Dumpsters, trash refuse, and recyclable containers shall be set on concrete pads sized as recommended by the disposal company and screened by the combination of opaque fence or masonry wall and plant material on three (3) sides. Opaque gates, designed to complement the walls and/or fences, shall be installed for access. Such containers shall be located to the rear or side of the principle building where feasible and other such consideration shall be given to a location where the containers can be adequately screened from public view.

F. Compaction units shall require the inclusion of a floor drain installed in a containment pad and tied directly to the sanitary sewer system.

G. Enclosures provided for eating establishments shall be sized to accommodate the storage of grease barrels.

H. Mechanical equipment on roofs or on site shall not be visible from public rights-of-way or adjacent properties and shall be totally screened. The screening of building-mounted mechanical equipment shall be an integral part of the building design. Mechanical equipment installed on site shall be adequately screened by plant material and/or walls or fences and shall blend in with the site landscape.

I. Outdoor storage shall be effectively controlled according to the following requirements:

1. Storage operations, except for live, vegetative products, shall be limited to the inside of buildings unless completely screened and covered, with the exception of:

a. Convenience Storage Facilities and any use in Industrial Zones are not required to have storage operations under roof. However, they shall be completely screened; and

b. Any use engaged in the sale or lease of vehicles or farm machinery is not required to have products under roof or fully screened; however, perimeter planting strip requirements for parking areas are applicable.

2. Outdoor storage areas are prohibited in required Front Yards.
3. Uncovered and unscreened areas used for storage of live, vegetative products shall also be designated on the Site Plan.
4. Screening and planting buffers shall be a minimum of six (6) feet high or rising to two (2) feet above material or equipment being stored, whichever is greater.
5. Loading berths shall be within the building or concealed by means of a screening wall of material similar to and compatible with that of the building.
6. No designated or required parking spaces, fire lanes or traffic lanes shall be used for storage of materials.
7. Storage containers, whether stationary or on wheels, shall be prohibited.
8. Outside storage of debris, non-licensed vehicles, wood and similar items that could be classified as nuisances shall be prohibited.
10. Service areas shall be screened from view from Residential Zones and thoroughfares by a site design that orients the service areas away from the area to be screened. If such a design cannot be achieved, masonry walls, evergreen trees, evergreen shrubs, berming, or any combination of these, shall provide a six (6) foot barrier between the service area and the area to be screened.

Ordinance 2016-01 Attachment B:

Section 517: CZ Conditional Zone. A district that is based upon the request of the property owner. It provides a means for accommodating a unique land use in accordance with its actual intended use. It will be considered in accordance with its compatibility with the surrounding area and with proper regard to the City's Comprehensive Plan. The zoning and conditions shall remain in place and shall remain until valid rezoning request is placed before the Planning and Zoning Commission and acted upon by the City Council. Each rezoning under this classification will exist on its own merits, standards and conditions.

517.01 Required Submittals

In order to initiate the process to have a property rezoned as a Conditional Zone (CZ) the following information must be submitted:

Property may be rezoned to a conditional zoning district only in response to and consistent with a petition submitted by the owners of all of the property to be included in the district. A petition for conditional zoning must include a site plan, drawn to scale, and supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that, in addition to all predetermined ordinance requirements, will govern the development and use of the property.

- A)
- B)
- C)
- D)
- E)
- F)
- G)
- H)

- I) A properly dimensioned site plan that includes the owner's name and complete contact information, the parcel ID, the current zoning, location of existing physical improvements and the location of proposed physical improvements, and include a scale and north arrow;
- J) A complete list of all proposed site specific standards and conditions, All conditions must be mutually agreeable by the applicant and the Planning and Zoning Commission; and
- K) All submittals must be on 8.5 x 11 paper.

517.Approval

In approving a petition for the reclassification of property to a conditional zoning district, the planning commission may recommend, and the city council request, that reasonable and appropriate conditions be attached to approval of the petition. Conditions and site-specific standards shall be limited to those that address the conformance of the development and use of the site to city ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. Any such conditions should relate to the relationship of the proposed use to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, street and right-of-way water drainage, the provision of open space, and other matters that the city council may find appropriate or the petitioner may propose. Such conditions to approval of the petition may include dedication to the city, county or state, as appropriate, of any rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed development. The petitioner shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the city council. Only those conditions mutually approved by the council and the petitioner may be incorporated into the petition.

Ordinance 2016-01 Attachment C:

709.05. Application and Permitting Procedure. Home occupations shall be subject to the following application and approval process:

A. Minor Home Occupations No application required. – **The applicant shall submit an application for a Home Occupation to the City for review by the City Manager. Such review of the application may require the Building Inspector to visit the dwelling if deemed necessary. After confirming satisfactory conditions, the City may issue a business license provided all licensing requirements are met.**

B. Major Home Occupations - All major home occupations shall be subject to the following application and approval process:

The applicant shall demonstrate compliance with the requirements of this Ordinance.

- 1.
2. The applicant shall submit an application for a Major Home Occupation Permit to the Building Inspector. After confirming that the conditions of the Board have been satisfied, the Building Inspector shall issue the permit. Such review of the application may require the Building Inspector to visit the dwelling if deemed necessary.
3. Major Home Occupation Permits shall expire one year from the date of issuance, and once granted may be renewed without additional hearings, subject to the provisions of this Section. An application form for permit renewal must be completed and submitted to the Building Inspector with the annual permit fee prior to the annual deadline but not earlier than thirty (30) days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.
4. The annual fee for a Major Home Occupation Permit shall be established by the City Council.

Ordinance 2016-01 Attachment D:

Section 730. Wireless Communication Services.

730.01. General requirements. In addition to the submittal requirements for zoning approval, applications for wireless communication services shall include the following:

- A. A network design plan for all of the service provider's existing and planned sites in the City and surrounding jurisdictions. The network design plan shall indicate the location of existing and proposed facilities and the service area covered by each site.
- B. A qualified electrical engineer licensed by the state of Alabama shall prepare an evaluation of the radio frequency (RF) field exposure conditions of the facility demonstrating that the radiation levels generated by the facility meet Federal standards and that interference to consumer electronic products is unlikely to occur. The evaluation shall include the following:
 - 1. The maximum exposure conditions directly adjacent to the antenna and at the closest point the public could come into contact with radiation, including upper floors of residential, institutional or commercial buildings.
 - 2. The maximum cumulative exposure conditions of all personal wireless services and facilities within the vicinity.
 - 3. Certification shall be provided by the electrical engineer prior to final inspection of the facility that the RF field exposure conditions are per the submitted evaluation.
- C. Visual representations sufficient to accurately show the appearance of the proposed facility, such as photomontages, mock-ups, and story poles. When feasible, scaled mock-ups shall be constructed on site.
- D. The City may require a co-location agreement binding the applicant and property owner to make the facility available in the future for the installation of additional communication equipment by other wireless communication providers.
- E. If the facility is abandoned in the future, the applicant shall be required to remove the wireless communication antennas and equipment from the site.
- F. Wireless communication services and all equipment, such as emergency generators and air conditioners, shall be designed to be in compliance with the City noise ordinance.

730.02. Design Requirements. The following specific design requirements shall apply to each type of personal wireless service and facility:

- A. Building Mounted Antennas.
 - 1. Building mounted personal wireless services shall not exceed ten feet above the building surface on which they are located. An additional one (1) foot of height may be added for every ten (10) feet the antenna is set back from the building parapet, to a maximum height of fifteen feet above the surface on which it is located.
 - 2. Building mounted antennas shall be architecturally integrated with the building design in such a manner as to be visually unobtrusive.
 - 3. Building mounted antennas shall be painted to match the existing building.
 - 4. Building mounted antenna equipment facilities shall be screened from public view.
- B. Distributed, Repeater, or Microcell Antenna Systems.

1. Distributed, repeater, or microcell antenna systems mounted on buildings within non-Residential Zones shall conform to the height limit of the Zone within which the subject building is located.
2. Distributed, repeater, or microcell antenna systems mounted on utility poles or other utility structures within the public right-of-way in any Zone shall be limited in height to the height of that particular structure.
3. Distributed, repeater, or microcell antenna systems shall be designed to minimize their visibility on utility poles or other structures.
4. Distributed, repeater, or microcell antenna systems' equipment facilities shall be screened from public view.



**CITY OF CLAY, ALABAMA
ORDINANCE 2016-01**

I, the undersigned City Manager of the City of Clay, Alabama, do hereby certify that the above and foregoing is a true copy of one Ordinance lawfully passed and adopted by the City Council named therein, at a regular meeting of such Council, and that such resolution is on file in the City Clerk's Office.

I further certify that said Ordinance was posted as required by State Law at the following locations: Chalkville Regions Bank; Clay City Hall; Clay Post Office and the Clay Seniors Center all being in the City of Clay.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this 5th day of January, 2016.

Ronnie Dixon
City Manager