



# CITY OF CLAY, ALABAMA ORDINANCE 2016-05

## 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of this Ordinance, including the Zoning Map, may from time to time be amended, supplemented, changed, modified or repealed by the City Council in accordance with the procedures stated in Section 1105 of Ordinance 2006 - 07; and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, 2015-18, and 2016-01; and

WHEREAS, the Planning and Zoning Commission held a public hearing on July 21, 2016; and

WHEREAS, the Planning and Zoning Commission recommends amending Section 608 as attached (A); and

WHEREAS, the Planning and Zoning Commission recommends amending Article 8 as attached (B); and

WHEREAS, the Planning and Zoning Commission recommends adding a Legacy Commercial Zone as attached (C); 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, Section 608 and Article 8 of Ordinance 2006 – 07 are hereby amended as seen in Attachment A and Attachment B.

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, Article 515 of Ordinance 2006 – 07 is hereby adopted as seen in Attachment C.

ADOPTED AND APPROVED this 1<sup>st</sup> Day of August, 2016.

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Charles K. Webster  
Mayor

ATTEST: \_\_\_\_\_  
Ronnie Dixon  
City Manager

Attachment A:

**608.04. Material Standards by District**

The regulations of this section are based upon the Zoning District in which a structure is located. The percentages indicate the maximum material allocations for overall building materials (see table next page).

Category	Material	Residential RE, RL, RM, RH, RP, and AG	Commercial HC	Commercial TC	Institutional CI and NI	Industrial I2, and I3
Siding or Shingles	Wood Clapboard	100%	100%	100%	100%	0%
	Wood Shingles	100%	100%	100%	100%	0%
	Vinyl Siding. Conforming to the standards of product certification ASTM D6864 and color standards ASTM D3679 or ASTM D7251 or the most currently adopted or revised standard by the American Society for Testing and Materials (ASTM), and material that is no less than 0.044 inches thick (whether or not foam backed)	100%	30%	0%	30%	30%
	Vinyl Shingles (See Above)	100%	50%	0%	30%	30%
	Fiber Cement Siding	100%	100%	100%	100%	100%
	Fiber Cement Shingles	100%	100%	100%	100%	100%
Masonry	Brick	100%	100%	100%	100%	100%
	Jumbo or Utility Brick (Utility brick is larger than standard brick (typical utility brick = 3 5/8 inches' x 11 5/8 inches)	0%	100%	0%	100%	100%
	Stucco (Exterior Portland Cement Plaster with Three (3) Coats Over Metal Lath or Wire Fabric Lath)	100%	100%	100%	100%	100%
	Architecturally Finished Block (Burnished Block, Split Faced Concrete Masonry Units or Architecturally Finished Tilt wall)	0%	70%	0%	70%	100%
Stone	Stone	100%	100%	100%	100%	100%
	Cultured Stone or Cast Stone	100%	100%	100%	100%	100%

Category	Material	Residential RE, RL, RM, RH, RP, and AG	Commercial HC	Commercial TC	Institutional CI and NI	Industrial I2, and I3
Engineered Finished Products	EIFS (Exterior Insulation and Finish System) plaster, stucco or similar materials	0%	30%	0%	30%	30%
	Hard Coated EEPS (Expanded Polystyrene) plaster or similar polyurea hard-coated foam materials	0%	30%	0%	30%	30%
Sheets, Paneling or Similar	Wood	0%	0%	0%	50%	50%
Metal		0%	25%	50%	50%	
Other	Masonite	0%	0%	0%	0%	0%
	Visible Asphalt Exterior Wall	0%	0%	0%	0%	0%
	Vertical Aluminum/Steel Siding or Panels	0%	0%	0%	0%	0%
	Non-Architectural Sheet Metal	0%	0%	0%	0%	0%
	Non-Textured Concrete Block	0%	0%	0%	0%	0%
	Non-Finished/Non-Painted Plywood or Particle Board Siding	0%	0%	0%	0%	0%

## **ARTICLE 8 NONCONFORMITIES.**

**Section 801. Continuance of Nonconforming Uses.** The lawful use of a structure or land existing at the time of the effective date of this Ordinance and subsequent amendments thereto may be continued although such use does not conform to the provisions herein. If no structural alterations are made, a Nonconforming use of a structure may be changed to another Nonconforming use of a more restrictive classification or to a conforming use; however, such use shall not thereafter be changed to a use of a less restrictive classification.

For the purposes of this article, a “use of a more restrictive classification” shall mean a use generally more compatible with its surroundings and/or the Zone in which it located and otherwise of more limited impact to neighboring properties, including traffic, light, noise, odor, etc. This determination shall be made by the Zoning Officer.

### **Section 802. Discontinued Non-Conformities.**

**802.01.** In the event a structure or premises occupied or utilized by a nonconforming use that becomes discontinued for a continuous period of one year or longer, the use of said structure or premises shall thereafter conform to the regulations of the Zone in which it is located.

**802.02.** In the event the use of a property, on which nonconforming signs exist, becomes discontinued for a continuous period of one year or longer, such sign(s) shall be brought into conformity with the provisions of Article 10 at the time of re-use of the property.

**802.03.** In the event the use of a property, on which nonconforming improvements exist, including but not limited to parking areas, driveways, lighting, sidewalks, buffers and screening, and other landscaping, becomes discontinued for a continuous period of one year or longer, such nonconforming improvements shall be brought into conformity with the provisions of this Ordinance and the Design and Construction Specifications at the time of re-use of the property.

### **Section 803. Structural Extensions and Alterations.**

No structure or premises occupied by a nonconforming use shall be enlarged, extended, reconstructed or otherwise structurally altered unless such use is changed to a use conforming to the use regulations of the Zone in which the structure or premises is located. However, a structure or premises occupied by a nonconforming use may be physically enlarged, extended, reconstructed or structurally altered if and only to the extent necessary to be in compliance with any existing and applicable law or ordinance specifying minimum standards for reasons of health or safety.

**Section 804. Use Extensions.** No nonconforming use shall be enlarged, extended or expanded unless such use is changed to a use conforming to the use regulations of the Zone in which such use is located.

**Section 805. New Construction for Conforming Uses.** A structure or building conforming to the use regulations of the Zone in which it is located but not conforming to other provisions of this Ordinance may be enlarged, extended, or expanded provided that such enlargement, extension or expansion, as reviewed and approved by the Planning Commission is more in conformance with all regulations of the applicable Zone and any other applicable regulations provided in this Ordinance.

In cases where an existing building, structure or parking area does not conform to the area and dimensional requirements, or other related provisions, of this Ordinance, said building, structure or parking area may be enlarged, expanded, or extended provided that such enlargement, expansion, or extension, as reviewed and approved by the Planning Commission is more in conformance with all regulations of that Zone and any other applicable regulations of this Ordinance. If such improvements or alterations do not increase conformity with the applicable regulations of this Ordinance, and/or do not bring the existing building, structure or parking area in greater conformity with the provisions of this Ordinance, a Variance shall be required prior to the issuance of a Business License or Building Permit for such alteration.

**Section 806. Destruction of a Nonconforming Use.** Any building or structure, Nonconforming of its own right or occupied by a Nonconforming use, that is damaged by explosion, fire, acts of God or the public enemy to the extent of more than 75% of its fair market value, immediately prior to said damage; shall not be restored except in conformity with the regulations of this Ordinance.

Attachment C:

**Section 518:** Legacy Commercial District. A district intended to delineate commercial development that was approved and in place at the time of the adoption of the Clay Zoning Ordinance No. 2006-07, on March 27, 2006. The properties that may be classified as Legacy Commercial Districts during a review by the City of Clay Planning Commission are districts that represent significant investment and are not likely to change form or use within the foreseeable future. These same districts may or may not meet the requirements of other established zoning districts in the City of Clay Zoning Code. The properties selected to be included have been incorporated within this district to eliminate any discussion of nonconforming uses. The properties selected to be classified in this zoning district are part of the current built environment and the zoning classifications not intended for vacant unimproved properties. These districts will appear on the Official Zoning Map coded as LCD.

**518.01. Permitted Uses:** All current retail uses currently in place and any additional legal retail uses within the defined use shown.

Permitted Uses Defined:

- **General Retail Business, Enclosed.** Retail sales of goods and services, not otherwise defined by this section, conducted within an enclosed building, including, but not limited to, food sales, department stores, clothing stores, home furnishings sales, appliance stores, auto supplies stores, gift shops, specialty stores, jewelry stores, cosmetics sales, package liquor stores, tobacco stores, drug stores, variety stores, and similar retail businesses.
- **Automobile Gas Station.** A building or lot or part thereof supplying and selling gasoline or other equivalent fuel for motor vehicles at retail direct from pumps and storage tanks and which excludes accessory facilities for rendering services, such as lubrication, washing and minor repairs.
- **Personal Service.** A retail establishment engaged in providing services involving the care of a person, such as a barber shop, beauty shop, cosmetic studio, dry cleaning and laundry pick-up station, indoor exercise and fitness center, tanning salon, seamstress, tailor, shoe repair shop, key repair shop, travel agency, interior decorator, formal wear rental, and similar uses.
- **Business or Professional Office.** A place where the administrative affairs of a business or profession is conducted such as the office of a law firm, real estate agency, insurance agency, architect, secretarial services, the administrative staff of business or industry, and the like.
- **Business Support Service.** A place of business which supplies support services primarily to business or professional offices or services, such as photocopy, computer, and office equipment, supplies and services.
- **Medical Clinic.** A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis.
- **Studio.** A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

**518.02. Uses Permitted Subject to Supplemental Use Regulations**

Not Applicable

**518.03. Special Exception Uses**

Current uses on existing properties classified as Legacy Commercial Districts not delineated in Section 518.01 must be inventoried to be included in this zoning designation.

**518.04. 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.

Maximum building height	As currently built
Maximum lot coverage (Impervious surfaces)	As currently built
Min. Front Yard setback	As currently built
Min. Rear Yard setback	As currently built
Min. Side Yard setback	As currently built
Min. Setback between structures on same lot	As currently built
Fences and walls	As currently built
Buffers and Screening	As currently built

**518.05. Additional Requirements.**

- A. No drive-through windows shall be permitted other than those that may currently be in place.
- B. No open or outdoor storage or repair areas of any kind shall be permitted. Dumpsters, utility appurtenances, loading and service areas, etc. shall be screened in accordance with §605.
- C. Parking areas in existence at the time of adoption of this district shall be exempt from this requirement in accordance with §805.



## CITY OF CLAY, ALABAMA ORDINANCE 2016-05

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: Clay City Hall; Clay Post Office; Clay Seniors Center; and the Clay Public Library 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 2<sup>nd</sup> day of August, 2016.

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Ronnie Dixon  
City Manager