

**CITY OF CLAY**

# **ZONING ORDINANCE**

**Ordinance No. 2006-07**

**As Amended  
(updated October 24, 2012)**

**Adopted by the City Council  
City of Clay, Jefferson County, Alabama**

**March 27, 2006**



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**ARTICLE 1. PREAMBLE AND ENACTMENT CLAUSE.**

WHEREAS Chapter 52, Article 4 of Title 11 of the Code of Alabama, 1975, as amended, empowers the City of Clay to establish districts within its corporate limits for the purpose of regulating the kind, character, and use of structures and improvements within those Zones, and to provide for the administration, enforcement, and amendment thereof, and

WHEREAS the City of Clay deems it necessary, for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of the City to enact such an ordinance, and

WHEREAS the City Council has appointed the City of Clay Planning and Zoning Commission, hereinafter referred to as the Commission, to recommend the boundaries of the various Zones and the appropriate regulations to be enforced therein, and

WHEREAS the Commission, with the assistance of the Regional Planning Commission of Greater Birmingham, has amended this Ordinance, originally enacted December 9, 2002, and accordingly the Zoning Map thereto, has given due Public Notice of a hearing thereon, has held said Public Hearing and has submitted its final report to the City Council, and

WHEREAS the City Council has given due Public Notice of a second hearing related to the adoption of the amended Zoning Ordinance, setting forth Zones, regulations and restrictions, and has held said Public Hearing, and

WHEREAS all requirements of Sections 77 and 79 of Title 11, Chapter 52, Article 4 of the Code of Alabama, 1975, as amended, with regard to the preparation of the report by the Commission and subsequent action of the City Council have been met;

NOW, THEREFORE, the public welfare requiring it, the City Council of the City of Clay, Alabama, does hereby ordain and enact into law the following Articles and Sections:

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## **ARTICLE 2. INTRODUCTION, PURPOSE, AND APPLICATION.**

**Section 201. Short Title.** This Ordinance and all subsequent amendments, attachments, and supplements thereto shall be known as the “Zoning Ordinance of the City of Clay, Alabama”.

**Section 202. The Official Zoning Map.** The boundaries of each zoning district are delineated on the Zoning Map(s) of the City of Clay, Alabama, hereinafter referred to as the “Zoning Map”. Said map(s) and all notations, references, revisions, certifications and other information shown thereon shall be considered a part of this Ordinance and shall carry the same force and effect as if fully described therein. Said map(s) shall be retained in the Clay City Hall.

**Section 203. Purpose.** The zoning regulations and districts as set forth herein are made in accordance with the City of Clay Comprehensive Plan for the purposes of guiding development in accordance with existing and future needs, and in order to protect, promote and improve the public health, safety, morals, convenience, order, appearance, prosperity and general welfare of the City of Clay. These regulations are designed to lessen congestion on the streets, to secure safety from fire, flood, and other dangers; to promote the public health and general welfare; to provide adequate light and air; to prevent the undesirable overcrowding of land; to avoid the undue congestion of population; to protect scenic areas; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other infrastructure necessary to maintaining the quality of life within the community. These regulations are made with reasonable consideration of, among other things, the character of each area and its suitability for particular uses; the promotion of desirable living conditions and the sustainability of neighborhoods; the protection of property against blight and depreciation; securing efficiency in government expenditures; and conserving the value of land, buildings, and structures.

**Section 204. Application of Regulations.** No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the applicable regulations of this Ordinance for the Zone in which it is located except as otherwise provided herein. All future development of land, buildings, and structures shall further be in accordance with the applicable provisions of the City of Clay Subdivision Regulations and the City of Clay Design and Construction Specifications.

**Section 205. Zoning of Annexed Land.** (See Amendment Ordinance 2013-18)

- 205.01 If, prior to annexation, the property is zoned in another jurisdiction as a use compatible with a use in Article 4, Section 401, and the use is compatible with surrounding uses; then upon approval of the city council, the property will be annexed into the city and be zoned as a use in Article 4, Section 401 .
- 205.02 Property may be pre-zoned prior to annexation in accordance with § 11-52-77 and §11-52-85 of the Code of Alabama, 1975.

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## ARTICLE 3. TERMINOLOGY

**Section 301. Generally.** For purposes of interpreting this ordinance, certain words and terms are herein defined.

**Section 302. Interpretation of Certain Words and Terms.** Words used or defined in one tense shall include other tenses and derivative forms. Words used in the singular number shall include the plural, and words used in the plural number shall include the singular. The word *person* shall include a firm, corporation, association, organization, trust or partnership. The word *lot* shall include the meanings of the words *plot*, *property* and *parcel*. The word *shall* is mandatory and not directory. The word *may* is permissive. The masculine gender shall include the feminine, and the feminine gender the masculine.

**Section 303. Definitions.** Except as defined herein or in the *Subdivision Regulations of The City of Clay, Alabama*, all other words used in this Ordinance shall have their customary dictionary definition.

### 303.01. General Definitions. (See Amendment Ordinance 2012-06, 2013-04)

**Access Drive.** A private drive providing vehicular access between a public or private thoroughfare and a parking area within a land development.

**Accessory Building or Structure.** A detached, subordinate building, the use of which is customarily incidental to that of the principal building, and which is located on the same lot as that occupied by the principal building. Unroofed decks and patios shall be considered as accessory buildings within the meaning of this Ordinance. (See also "Deck" and "Patio")

**Accessory Dwelling.** A dwelling unit (other than a manufactured home) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of a non-residential use. Accessory dwellings also include secondary units permitted on residential lots such as garage apartments and granny flats or mews.

**Accessory Use.** A use customarily incidental and subordinate to the principal use of the land or principal building and located on the same lot with such principal use or principal building. A sign is considered accessory to the use permitted. BillBoards and other off-premise signs are not so considered, but are rather considered separate and distinct business uses or activities.

**Alley.** See "Thoroughfare, Service Street (Alley)."

**Alteration, Alter, Altered.** Any addition to the height, width or depth of a building or structure; or any change in the location of any of the exterior walls of a building or structure; or any increase in the interior accommodations of a building or structure.

**Animal Equivalent Unit.** One thousand (1,000) pounds of live weight of any animal.

**Apartment.** An individual dwelling unit within a building consisting of five or more attached, multi-family dwellings.

**Apartment Building.** A building consisting of five or more attached dwelling units, whether as a part of an apartment complex or an individual lot.

**Applicant.** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assignees.

**Application for Development.** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a Building Permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

**Base Zone or Base Zoning District.** The zoning classification within which a development or structure is located other than an overlay Zone.

**Basement.** That portion of a building which is completely below grade or partially below grade where the average distance between the finished surface of the above floor and the ground level along the perimeter of all exterior walls is less than six (6) feet.

**Block.** A unit of land bounded by thoroughfares or a combination of thoroughfares, public land, public

parks, cemeteries, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

**Buffer.** A landscaped strip of land provided between two or more properties, uses, or buildings to mitigate the incompatible characteristics of adjacent uses and/or buildings. Buffers may include berms, shrubs, trees, fences or walls, other screening devices, or a combination of such devices as required by the City of Clay Zoning Ordinance.

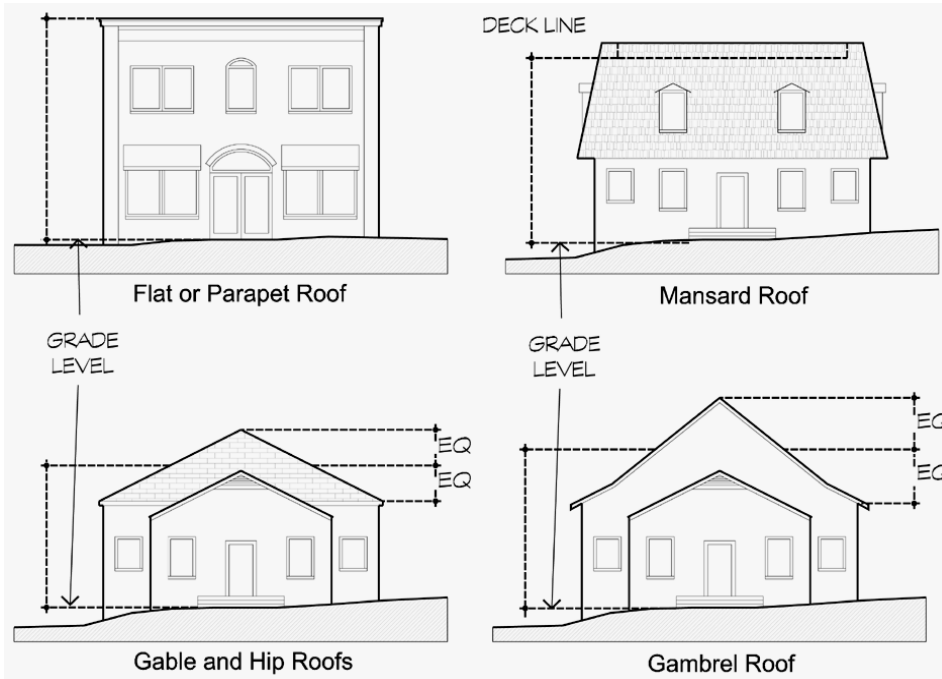
**Building.** Any structure constructed or used for a residence, business, industry, or other public or private purpose, or accessory thereto, and including porches, decks, swimming pools, greenhouses, stables, garages, roadside stands, manufactured homes, and similar structures,

whether stationary or movable, but excluding fences, walls, signs and awnings. Features which are structurally essential and connected to the structure shall be considered as part of the structure within the meaning of this Ordinance.

**Buildable Area.** The area of a lot remaining after the minimum yard and open space requirements of the Zoning Ordinance have been met.

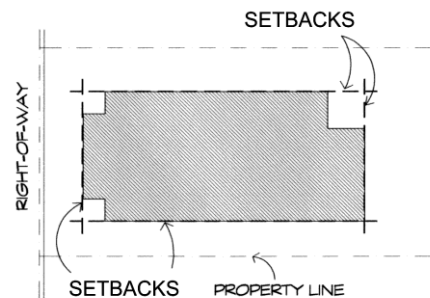
**Building Frontage.** The side of the building which abuts on a street; the length or area of the front of the building measured between the side walls.

**Building Height.** The vertical distance from average grade level to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height between eaves and ridge for gable, hip and gambrel roofs.



DETERMINING BUILDING HEIGHT

**Building Setback Line.** A line that is the required minimum distance from any Lot Line and that establishes the area within which the principal structure must be erected or placed. Minimum Front Yard depth is measured from the Front Lot Line.



SETBACK LINE

**Caliper.** The diameter of the trunk of a tree measured six inches above grade level.

**Cartway.** The surface of a thoroughfare or alley available for vehicular traffic, including on-street parking.

**Certificate Of Occupancy.** A certificate issued by the duly authorized representative of the City upon completion of the construction of a new building or upon a change or conversion of the structure or use of a building, which certifies that all requirements and regulations as provided herein, and within all other applicable requirements, have been complied with.

**City.** City of Clay, Jefferson County, Alabama.

**City Engineer.** A registered professional engineer, licensed as such by the State of Alabama, employed by the City or engaged as a consultant to the City.

**Comprehensive Plan.** The official public document prepared in accordance with § 11-52-8 of the Code of Alabama, as amended, consisting of maps, charts, and textual material, that constitutes a policy guide to decisions about the physical and social development of the City of Clay.

**Concentrated Animal Operation.** A property with more than two (2) animal equivalent units per acre.

**Conditional Use.** A use of unique character and impact which is typically not associated with or permitted in any zoning district but which may be allowed by granting of a conditional use permit by the City Council according to special conditions to abate potential negative impacts to surrounding properties and neighborhoods. Examples: airport, correctional facility, landfill, racetrack, stadium, etc.

**Covenant.** "See Deed Restriction".

**Cul-de-sac.** See "Thoroughfare, Cul-de-sac."

**Deck.** An elevated structure constructed for use as an outdoor living area. (See also "Patio" and "Accessory Building or Structure".)

**Dedication.** The deliberate appropriation of land, such as an easement, by its owner for general public use.

**Deed.** A written instrument whereby an estate in real property is conveyed.

**Deed Restriction.** A restriction upon the use of a property placed in a deed running with the land and enforced by private landowners or homeowner or condominium associations.

**Density.** The number of units of occupancy per acre of lot area within a block.

**Design and Construction Specifications.** The City of Clay Design and Construction Specifications.

**Developer.** Any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

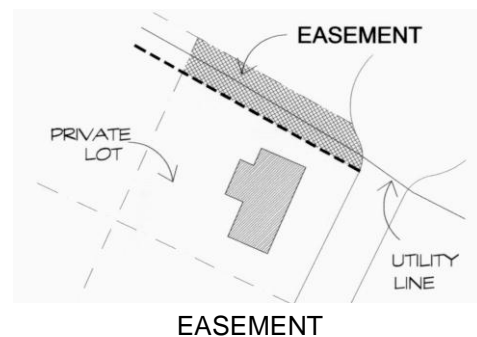
**Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**Development Plan.** See "Plan, Development Plan".

**Driveway.** A private drive providing access between a public or private thoroughfare or access drive and a parking area for a unit(s) of occupancy. (See also "Thoroughfare")

**Earthmoving, Grading.** The movement of dirt, top soil, grass, native material, landscaping or other forms of surface material which will result in a difference of six (6) inches or greater from the original elevation.

**Easement.** A right granted by a landowner to a grantee, allowing for limited use of private land for a public or quasi-public or private purpose, and with which the landowner of the property shall not have the right to make use of the land in a manner that violates the right of the grantee.



**Engineer.** A professional engineer registered by the State of Alabama.

**Erect, Erected, Erection.** Build, construct, reconstruct, move upon, or other physical operation on the premises required for building. When used in reference to signs, "erect" shall include build, construct, attach, hang, place, suspend, and affix

**Erosion.** The removal of soil particles by the action of water, wind, ice, or other geological agents.

**Family.** Any one (1) or more of the following:

- A. A single individual occupying a dwelling unit.
- B. Two (2) or more persons related by blood, marriage or adoption occupying a dwelling unit.
- C. Not more than four (4) unrelated persons occupying a dwelling unit.
- D. Not more than eight (8) related or unrelated persons who are the functional equivalent of a family in that they live together, participate in such activities as meal planning, shopping, meal preparation and the cleaning of their dwelling unit together and who are part of a community based residential home which qualifies as a community living arrangement licensed by the Alabama Department of Human Resources or other appropriate federal or state agency having jurisdiction, where the persons occupying the home are handicapped persons under the terms of the Fair Housing Amendments Act of 1988, and where the operator of the home provides room and Board, personal care, rehabilitative services and supervision in a family environment. The presence of staff persons in a home meeting this definition shall not disqualify the group of persons occupying the dwelling unit as a family.

**Fence.** A barrier of any material or combination thereof, other than a building, erected to enclose or screen areas of land or used as a means of protection or confinement.

**Fence, Privacy.** A fence intended to provide a visual barrier between common or public areas and a private area or land use. Such fences are characterized by opaque design.

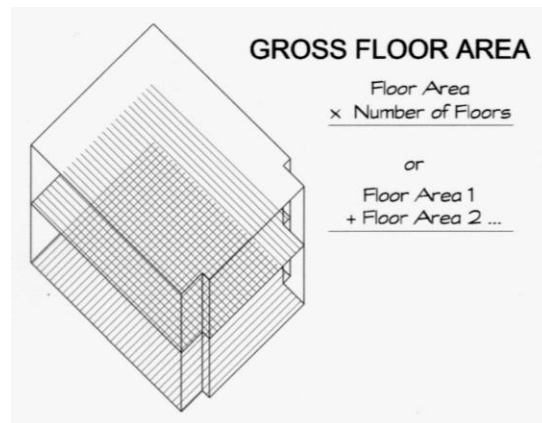


PRIVACY FENCE

**Final Plat.** See "Plan, Final Plat".

**Floodplain.** An area adjacent to a watercourse, which area is subject to flooding as the result of the occurrence of an intermediate regional flood and which area thus is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public health and safety and to property.

**Floor Area, Gross.** The sum of the total horizontal areas of the several floors of all buildings on a lot, measured from the faces of exterior walls. The term Gross Floor Area shall include basements; elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six (6) feet, six (6) inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six (6) feet, six (6) inches or more; interior balconies; and mezzanines.



GROSS FLOOR AREA

**Floor Area, Maximum.** The sum of the total livable floor area of the building measured from the faces of exterior walls dedicated for living space. Livable floor area shall be defined as all spaces within the exterior walls of a dwelling unit exclusive of garages,

breezeways, unheated porches, cellars, attics and basements.

**Floor Area, Minimum.** The sum of the total livable floor area of the building measured from the faces of exterior walls dedicated for living space. Livable floor area shall be defined as all spaces within the exterior walls of a dwelling unit exclusive of garages, breezeways, unheated porches, cellars, attics and basements.

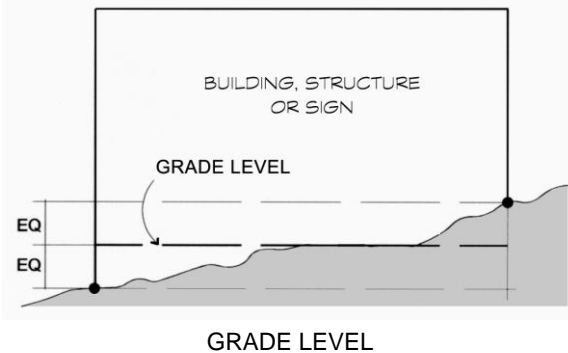
**Fowl.** Winged animals or livestock including chickens, geese, ducks, exotic birds, etc.

**Fowl House.** An enclosed or partially enclosed agricultural structure used for the keeping and raising of two or more chickens or other fowl.

**Fowl Pen.** A small, partially enclosed structure used for the keeping of no more than one chicken or other fowl.

**Gambling Device.** Any device for the reception of money or other thing of value, on chance or skill or upon the action of which, said money or thing of value is staked, bet, won, or lost; or, any device designed primarily for use in a gambling place; but excluding (1) a coin-operated mechanical device played for the amusement that rewards the player with the right to replay said device; (2) vending machines by which full and adequate return is made for the money invested, and in which there is no element of chance or hazard; and (3) games of skill designed and clearly intended for use by minors, those under the age of 18 years old.

**Grade Level.** For buildings, the average level of the finished ground surface at the front building line. For ground signs, the average level of the finished ground surface at the edge of the sign nearest the thoroughfare. For thoroughfares, the ratio of rise-to-run measured along a length of a planned or finished thoroughfare.



**Greenway.** An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

**Hardship or Unnecessary Hardship.** A unique condition or set of conditions wherein the literal enforcement of the provisions of this Ordinance would deprive a person of rights commonly enjoyed by others in the same Zone and as further established in Article 12.

**Hardship, Personal or Self-Imposed.** A hardship including all other situations not meeting the criteria set forth for proving “unnecessary hardship” in Article 12, including where a person causes or brings about the condition, whether by their own action, inaction, knowledge or lack thereof, etc. Further, such hardships do not represent substantive grounds for the issuance of a Variance.

**Impervious Surface.** Any surface or structure, composed of non-porous materials, that prevents natural absorption of runoff into the ground.

**Improvements.** Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, landscaping, streets, sidewalks, curbs and gutters, sewer, and stormwater management facilities.

**Incidental Use.** A secondary or subordinate use of a property on which a primary or principal use has already been established, but which is not necessary to that principal use, and which is not customarily associated with or considered accessory to the principal use. Such uses shall be considered “Special Exceptions” as defined herein, and shall accordingly be subject to approval by the Zoning Board of Adjustment. Such uses may include but not be limited to garage apartments and guest houses.

**Junk.** Junk shall include scrap, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste iron, steel and other old or scrap ferrous or non-ferrous material, including wrecked, scrapped, ruined, dismantled or junked motor vehicles or parts thereof.

**Junk Storage.** The use of land for the open storage of junk, as herein defined.

**Land Development.** Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - 1. a group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
  - 2. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features;
- B. A subdivision of land.
- C. Developments, limited to the following, shall be excluded from this definition:
  - 1. the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

**Landowner.** The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in land.

**Landscape Architect.** A landscape architect registered by the State of Alabama.

**Liquor.** Any beverage containing alcohol other than beer or wine, which contains one-half of one percent or more of alcohol by volume.

**Livestock.** Animals of any kind, including fish and fowl, kept, bred or raised for commercial or other purposes, excluding house pets such as domestic cats and dogs, fish, fowl, and other similar animals kept for personal pleasure in accordance with regulations of the Health Department and applicable animal control authority of Jefferson County.

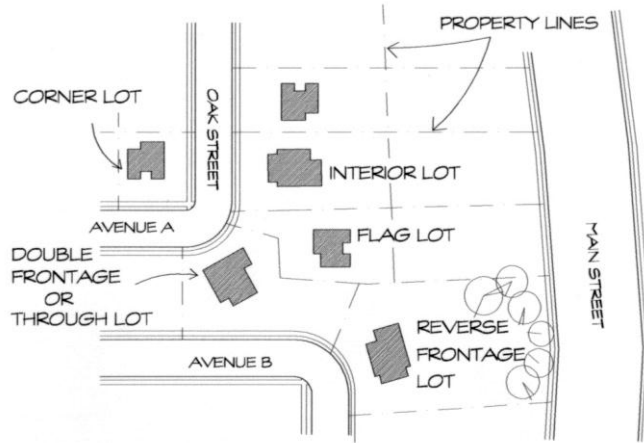
**Loading, Off-Street.** Land occupied, necessary and maintained for loading or unloading of goods, materials or things, for delivery and shipping, in a

manner that vehicles may provide for such services without encroaching on or interfering with the public use of streets and alleys by pedestrians and vehicles.

**Local Street.** See "Thoroughfare, Local Street."

**Lot.** A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. Lots are classified into the following categories:

- A. **Corner Lot.** A lot abutting two (2) or more street rights-of-way at their intersection in which the average centerlines of such thoroughfares along the frontage of the lot form an interior angle of less than one hundred thirty-five (135) degrees.
- B. **Double-Frontage Lot.** A lot which is not a Corner Lot and abuts two or more streets.
- C. **Flag Lot.** A lot that does not meet the lot width requirements of its zone.
- D. **Interior Lot.** A lot, which is not a Corner Lot.
- E. **Reverse-Frontage Lot.** A Double-Frontage Lot where the principal structure fronts on the street of lesser classification.



LOT TYPES

**Lot of Record.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the Probate Judge of Jefferson County, Alabama, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a lot or parcel has been conveyed at the time of the adoption of this ordinance, the remaining portion

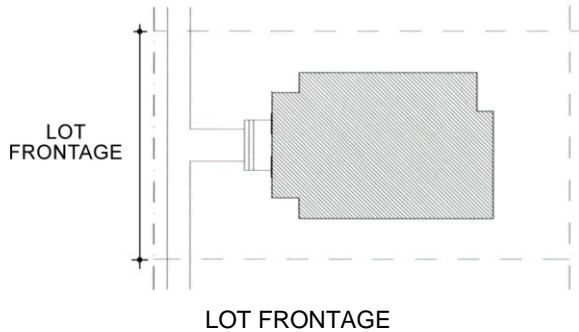


of said lot or parcel shall be considered a lot of record.

**Lot Area.** The area contained within the Lot Lines of the individual parcels of land, excluding space within any street or ultimate right-of-way, but including the area of any easement. Lot area shall be measured to the legal right-of-way line of the street.

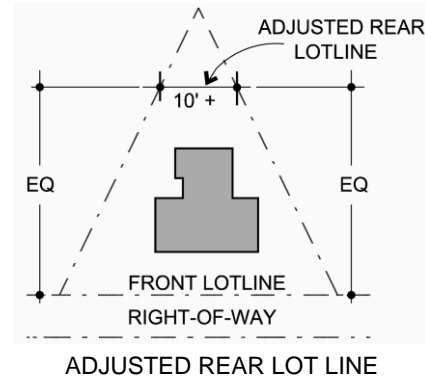
**Lot Coverage.** The portion of a lot which is occupied by impervious surfaces, including but not limited to buildings, parking areas, and sidewalks.

**Lot Frontage.** Distance measured along the Front Lot Line. When a lot fronts on a curved street, the frontage shall be determined by utilizing the arc length.

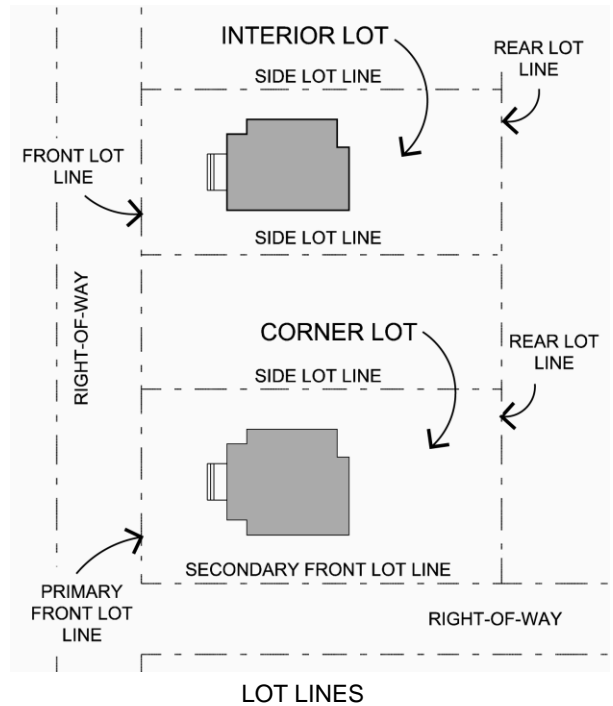


**Lot Line.** A line of record bounding a lot that divides one (1) lot from another lot or from a public or private street or any other public space. Lot Lines are classified into the following categories:

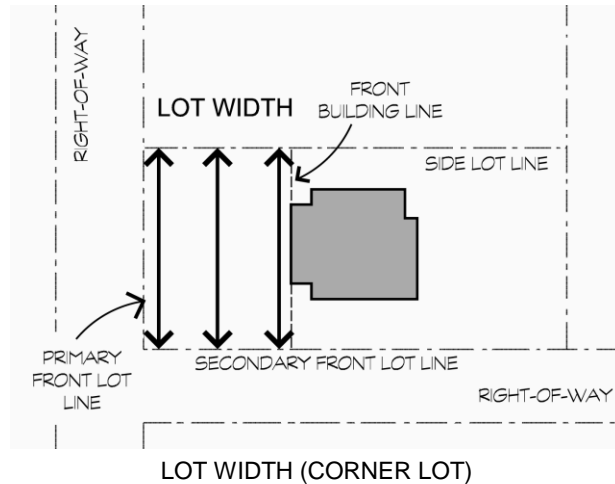
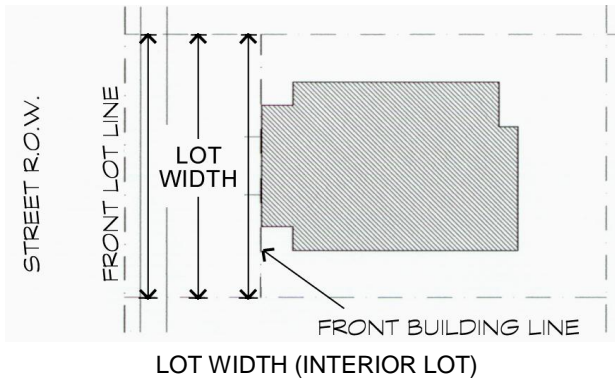
- A. **Front Lot Line.** A Lot Line separating the front of the lot from the street. On Non-residential Corner Lots and all Double-Frontage Lots, all Lot Lines which abut a street shall be Front Lot Lines. For Single-Family Residential Corner Lots, there shall be a "Primary Front Lot Line" and a "Secondary Front Lot Line".
- B. **Rear Lot Line.** A Lot Line, which does not intersect a Front Lot Line and is most distant from a Front Lot Line. Where the Side Lot Lines of an Interior Lot meet in a point, the Rear Lot Line shall be assumed to be a line not less than ten (10) feet long drawn within the lot between the two Side Lot Lines, which is equidistant to the Front Lot Line.



C. **Side Lot Line.** Any Lot Line, which is not a front or Rear Lot Line.



**Lot Width.** In the case of an Interior Lot, the distance between the Side Lot Lines. In the case of a Corner Lot, lot width shall mean the distance between the Side Lot Line and the Secondary Front Lot Line. Such distance shall be measured along a straight line, which is at right angles to the axis of a lot and shall be measured so at any point between the Front Lot Line and the front building line. When a lot abuts on a curved street the width shall be determined by utilizing the arc length.



**Major Street.** See "Thoroughfare, Major Street."

**Multiplex.** A building containing three or four attached multi-family dwellings

**Nonconforming Lot.** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

**Nonconforming Structure or Building.** A structure or part of a structure not complying with the applicable provisions of this Zoning Ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such Ordinance or amendment or prior to the application of such Ordinance or amendment to its location by reason of annexation. Such Nonconforming structures include, but are not limited to, Nonconforming signs.

**Nonconforming Use.** A use, whether of land or of a structure, which does not comply with the applicable use provisions of this Zoning Ordinance or amendment heretofore or hereafter

enacted, where such use was lawfully in existence prior to the enactment of such Ordinance or amendment, or prior to the application of such Ordinance or amendment to its location by reason of annexation. Any use whether of land or a structure which is permitted as a Special Exception or as a conditional use in the zoning district in which the land or structure is located shall be deemed to be a Nonconforming use unless that use complies with every provision of this Ordinance.

**Open Space.** Land, not covered by parking areas, rights-of-way or buildings other than recreational structures, which is landscaped or left in a natural state as required by the provisions of this Ordinance and the City of Clay Subdivision Regulations and which is intended for natural or scenic preservation and/or passive recreational purposes.

**Open Space, Common.** Land area within a development that is held in common ownership and maintained by a homeowners' association of all of the residents for recreation, protection of natural land features, amenities or buffers; is freely accessible to all residents of the development; and is protected by covenant and the provisions of this Ordinance to ensure that it remains in such uses. Common open space does not include surface water bodies (i.e., rivers, streams, lakes or ponds) nor land occupied by common driveways or parking areas, or street rights-of-way; nor does it include lots for single family or multi-family dwellings. Common open space shall be left in a natural state or landscaped, except in the case of recreational structures.

**Ordinance.** Except where otherwise specified, the Zoning Ordinance of the City of Clay.

**Parcel.** A part or portion of land. Parcel, in relationship to land, is a contiguous quantity of land in the possession of an owner. The words lot, parcel, and tract can be used interchangeably.

**Parking Space, Off-Street.** An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley.

**Party Wall.** A wall on an Interior Lot Line used or adopted for joint service between two (2) buildings; such walls shall fully comply with fire

and all other provisions and standards established for such walls in the Building Code.

*Patio.* An area consisting of natural or man-made material, which is constructed at or near grade level and intended for use as an outdoor living area. (See also "Deck" and "Accessory Building")

*Patio Home.* See "Garden Home"

*Paved Area or Surface.* Areas or surfaces paved with a hard, all-weather surface. A surface consisting of stone, cinders, aggregate, gravel, sand, or similar material, whether compacted or not, shall not be considered a paved area or surface.

*Pervious Surface.* Any surface, composed of porous materials, that allows absorption of runoff into the ground. Also referred to as "Permeable Surface".

*Plan.* The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, thoroughfares, sidewalks and parking facilities, common open space and public facilities. A plan shall be categorized as one of the following classifications:

- A. *Development Plan.* A complete set of drawings prepared for a Rezoning request, zoning approval or as otherwise required by this Ordinance. Such plan shall provide all information as necessary to determine conformance of the proposed development with the Zoning Ordinance and Design and Construction Specifications where applicable.
- B. *Final Plat.* A complete and exact subdivision plan including all supplementary data prepared for official recording as required by statute. A Final Plan becomes a Record Plan when it has been recorded with the Jefferson County Tax Assessor.
- C. *Preliminary Plat.* A tentative subdivision plan including all required supplementary data, indicating the proposed layout of a subdivision or land development as a basis for consideration prior to preparation of a final plan.

*Planned Unit Development (PUD).* A development approach, which may include mixed uses and densities within one development site and which may include multiple phases of development described in a master plan for the development. An overlay zoning district which includes provisions and special application and review

requirements for large-scale, phased developments consisting primarily of, but not limited to, residential subdivisions.

*Planning Commission or Commission.* The City of Clay Planning and Zoning Commission.

*Plat.* A map or plan of a subdivision or land development, whether preliminary or final.

*Preliminary Plat.* See "Plan, Preliminary Plat."

*Premises.* A lot, together with all buildings and structures thereon.

*Principal Building or Structure.* The primary structure developed on a property, which is intended to be the largest and closest to the street of all structures permitted on one property except in the AG Agricultural Zone, where farm structures shall be considered accessory structures and may be greater in Gross Floor Area than the principal residence.

*Principal Use.* The primary or dominant operation, business or other such use of and taking place on a lot, parcel or premises, as distinguished from accessory or incidental uses.

*Private Drive.* A service road or access drive serving as and maintained solely for access to cluster or multi-family developments or other developments to which access to the public may be limited.

*Property Line.* A recorded boundary of a lot. However, for the purposes of this Ordinance, any Lot Line which abuts a "street" or other public or quasi-public way shall be measured from the legal street right-of-way line.

*Public Hearing.* A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Code of Alabama.

*Public Meeting.* A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act, and as amended.

*Public Notice.* Notice published prior to a Public Hearing by the Board of Adjustments, Commission or City Council. Notice for a hearing before the Commission shall be posted in four (4) public locations seven (7) days prior to such hearing. Notice for a hearing before the Board of the Council shall be posted in four (4) public

locations fifteen (15) days prior to such hearing. Such notices shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. Public notice for Rezoning, Special Exception, conditional use and/or Variance requests shall also include the posting of a sign at conspicuous locations along the perimeter of the subject property; these sign(s) shall be posted at least one (1) week prior to the hearing and will exhibit the nature, date, time, and location of the hearing.

*Record Plat.* See "Plan, Final Plat."

*Rezoning.* The change of a zoning classification for property as approved by the City Council according to the provisions of this Ordinance.

- A. *Downzoning.* A change in the zoning classification of a property to a district with greater restrictions on land uses, density and intensity.
- B. *Lateral Rezoning.* A change in the zoning classification of a property to a district with comparable restrictions on land uses, density, and intensity.
- C. *Upzoning.* A change in the zoning classification of a property to a district with lesser restrictions on land uses, density, and intensity.

*Right-Of-Way.* The total width of any land reserved or dedicated as a street, pedestrian way, or for other public or private use.

*Right-of-Way Line.* The legal boundary of the area dedicated and/or improved for a thoroughfare, alley, or pedestrian way typically corresponding with the Front Lot Line of adjacent properties.

*Riparian Zone.* An area of trees and other vegetation which can intercept surface runoff, subsurface flow and deeper groundwater flows for the purpose of removing or buffering the effects of nutrients, pesticides or other chemicals from upland land use, which could otherwise enter bodies of water.

*Runoff.* That part of precipitation that flows over the land.

*Sediment.* Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

*Service Street.* See, "Thoroughfare, Service Street (Alley)"

*Setback.* The distance between the building line and a Lot Line; the distance between adjacent buildings or structures; or the distance between other site improvements as may be required by this Ordinance.

*Setback Line.* See "Building Setback Line."

*Shared Parking.* The provision of off-street parking areas shared amongst contiguous uses developed with the intent to maximize efficiency in parking lot design and accessibility; encourage pedestrian access and safety; support access management and other goals of the Comprehensive Plan; and to reduce the number of required spaces for individual uses.

*Sign.* See Article X of the City of Clay Zoning Ordinance.

*Special Exception.* A condition of use permitted in a particular Zone pursuant to the provisions of Article XII.

*Special Exception Use.* A use of unique character which may be integral to surrounding neighborhoods or districts but which may require special consideration and case-by-case criteria to ensure consistency with and to abate potential negative impacts to surrounding properties. Such uses shall require a Special Exception Permit granted by the Zoning Board of Adjustment upon review of development plans and specific criteria required by the Board pursuant to Article XII.

*Specified Anatomical Area(s).* (1) Less than completely and opaquely covered human genitals, public region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernibly turgid state, even where completely and opaquely covered.

*Specified Sexual Activities.* (1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; and (3) fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

*Spot Zoning.* The reclassification of property to a Zone in conflict with the City of Clay Comprehensive Plan; or the upzoning of property, of less than two acres, into a Zone not contiguous with any properties of the same Zone as requested or other Zones of an equally or more intense nature, with the exception of such

cases conforming to the Comprehensive Plan and further excluding Rezoning to an Institutional Zone.

**Stormwater Management.** A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

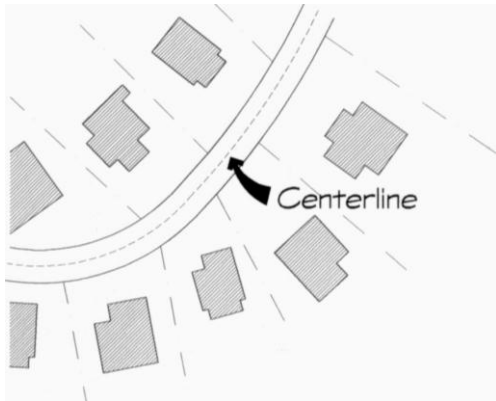
**Stormwater Management Facilities.** Those controls and measures used to affect a stormwater management program.

**Story.** That part of a building between the surface of any floor and the next floor above it, or in its absence, the finished ceiling or roof above it.

**Street.** See "Thoroughfare".

**Street, Private.** A thoroughfare not offered for dedication or whose dedication was not accepted by the City.

**Street Centerline.** The center of the surveyed street right-of-way, or where not surveyed, the center of the Cartway.



STREET CENTERLINE

**Street Right-Of-Way Line.** The line dividing a lot from the legal street right-of-way, not just the Cartway.

**Structural Alterations.** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Subdivision.** The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including

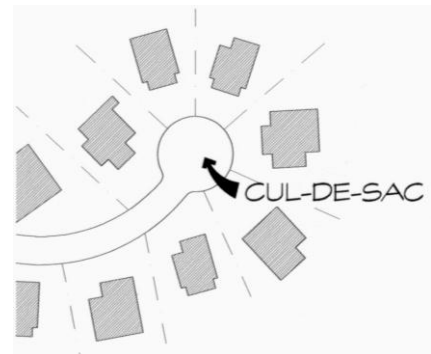
changes in existing Lot Lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.

**Supplemental Use Regulations.** Detailed regulations and restrictions provided by means of specific minimum criteria, which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such performance criteria necessary to implement the Comprehensive Plan.

**Temporary Building or Structure.** Portable, mobile, or transportable temporary contractors' construction buildings, the use, of which is incidental to the construction operations being conducted on the same or adjoining lot.

**Thoroughfare.** A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular and pedestrian travel, and furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees, and sidewalks. Thoroughfares shall conform to one of the following categories:

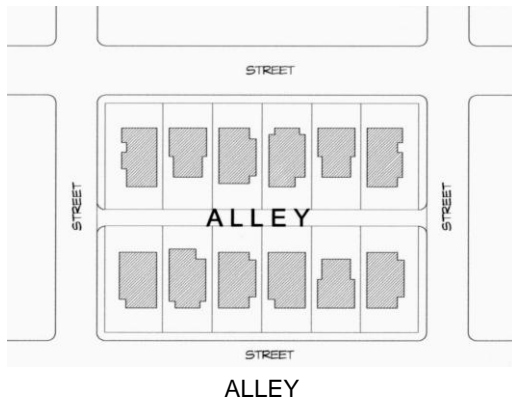
- A. Access Road. A minor thoroughfare one side of which is parallel and in close proximity to a major street and the other side of which provides access to abutting properties. Also referred to as a Frontage Road or Service Road.
- B. Cul-de-sac. A local thoroughfare terminating in a vehicular turnaround at one end.



CUL-DE-SAC

- C. Local Road or Street. A thoroughfare used primarily to provide access to abutting properties.

- D. Major Road or Street. A thoroughfare, which provides for inter-community travel, connecting population centers and carrying large volumes of traffic at speeds higher than desirable on local streets.
- E. Service Street (Alley). A strip of land over which there is a publicly or privately owned right-of-way, and on which no parcel fronts, which provides access for two (2) or more properties typically along the side or rear of such properties.



Tract. See "Lot"

**Unit of Occupancy.** A building, or a portion of a building, which is used as a dwelling unit or used as an independent non-residential use involving the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

**Use.** The function, activities, or purpose for which land, a building, or other structure is designed, arranged, occupied, or maintained.

**Variance.** Relief or an adjustment to the literal requirements of the Zoning Ordinance granted pursuant to the provisions of Article XIII.

**Watercourse.** A permanent or intermittent stream, river, brook, run, creek, channel, swale, pond, lake or other body of surface water, carrying or holding surface water, whether natural or manmade.

**Watershed.** All the land from which water drains into a particular watercourse.

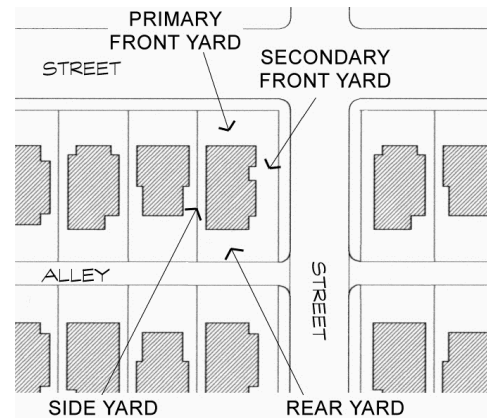
**Wetland.** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation; provided that lands which are

periodically irrigated for agricultural purposes are not considered to be wetlands as the term is used herein.

**Yard.** An open space between a building or use and the adjoining Lot Lines, unoccupied and unobstructed by any structure or use from the ground upward. For the purpose of determining the width or depth of a yard, the minimum distance between the Lot Lines and the principal building shall be used. A required yard shall mean a yard the depth of which is specified in the district regulations.

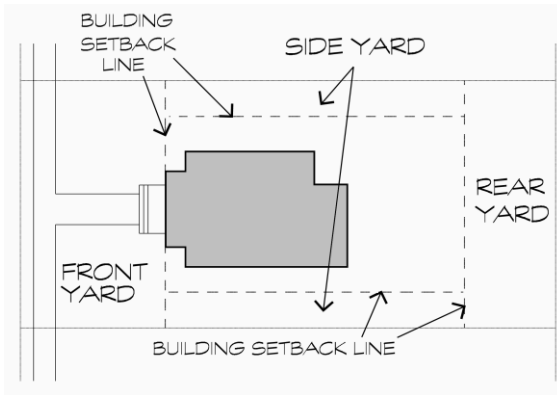
A. Front Yard - A space extending the full width of the lot between the principal building and the Front Lot Line(s). Non-residential Corner Lots shall be considered as having two Front Yards, however Single-Family Residential Corner Lots shall have the Yards described below:

1. Primary Front Yard – the yard abutting the thoroughfare on which adjacent dwellings commonly front.
2. Secondary Front Yard – the yard fronting on a public thoroughfare not meeting the definition of the “Primary Front Yard”.



YARDS OF SINGLE-FAMILY CORNER LOTS

- B. Rear Yard - A space extending across the full width of the lot between the principal building and the Rear Lot Line.
- C. Side Yard - A space extending from the Front Yard to the Rear Yard between the principal building and the Side Lot Lines. On a Corner Lot, the Side Yard is the area between the principal building and the Side Lot Line and bounded by the Front Yard and Rear Yard.



YARDS ON INTERIOR LOTS

*Zone, District or Zoning District.* The zoning classification established, defined, and regulated by this Ordinance, in which a property is located or requested to be located.

*Zoning Approval.* Certification, being issued by the Zoning Officer under the procedures required by this Ordinance, stating that the purpose for which a building or land is to be used is in conformity with the use permitted and all other requirements under this Ordinance for the Zone in which it is located or is to be located. Such approval is required before issuance of a Building Permit.

*Zoning Officer.* The municipal official designated to administer and enforce this Ordinance. For the purposes of this ordinance, the term "Zoning Officer" may also include a designated representative of the Zoning Officer such as the City Building Inspector.

**303.02. Use Definitions (See Amendment Ordinance 2008-07).**

*Accessory Dwelling.* A dwelling unit (other than a manufactured home) used in combination with a non-residential use, such as the family residence of a manager, business owner, or security guard, within the same building or on the same lot of a non-residential use. Accessory dwellings also include secondary dwelling units permitted on residential lots such as garage apartments and granny flats or mews.

*Age-Restrictive Uses.* Any one of the following areas of sales, service or entertainment:

- A. *Adult Bookstore.* Any establishment or place:
  - 1. which has a substantial or significant portion of its stock in trade consisting of either:
    - a. Books, magazines or other periodicals, films or other forms of audio or visual representation which are distinguished or characterized by an emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas; or
    - b. Instruments, devices or paraphernalia which are designed primarily for use in connection with Specified Sexual Activities or conduct; or
  - 2. to which the public is permitted or invited wherein coin or slug operated electronically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to present material distinguished or characterized by an emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas.
- B. *Adult Theatre.* Any theatre, auditorium or other place of assembly (1) presenting any form of audio or visual material, characterized by emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas, or (2) featuring live performances on a regular basis which are distinguished or characterized by emphasis on depiction, description or display of Specified Sexual Activities or Specified Anatomical Areas for observation by patrons.
- C. *Other Adult-Oriented Retail, Commercial Service or Entertainment Establishment.* Any other business or club which primarily offers its patrons or members retail goods, commercial services, or entertainment which is characterized by an emphasis on matter or

activities relating to, depicting, describing or displaying Specified Sexual Activities or Specified Anatomical Areas.

*Agriculture.* The tilling of soil, the raising of crops, forestry, horticulture and gardening, including the keeping or raising of domestic animals, fowl, and riding horses, and including sale of crops, dairy and horticultural farm products incidental to the operation of a farm.

*Animal Hospital.* See "Veterinary Clinic".

*Apartment.* An individual dwelling unit within a building consisting of five or more attached, multi-family dwellings.

*Apartment Building.* A building consisting of five or more attached, multi-dwelling units, whether as part of an apartment complex or on an individual lot.

APARTMENT BUILDING



*Apartment Complex.* A cluster of detached apartment buildings on one lot and in which, typically, individual entrances are provided for each dwelling unit.

*Arcade.* A commercial building in which there are three or more amusement game machines, commercial recreation machines, or other games on the premises and available to the public; or a place or facility where games and/or game machines are played for amusement only. For the purposes of this Ordinance, the term "Arcade" shall refer to those establishments as defined herein that cater to children and young adults. Any such premise which includes bingo games, gambling devices, adult arcade devices, or similar equipment or operations shall be considered an Age-Restrictive Use.

*Assisted Living Facility.* A building, establishment, complex, or distinct part thereof which:



- accepts primarily aged persons for domiciliary care, not nursing or medical care;
- provides on site to its residents private lockable residential spaces; meal service in a community dining facility and non-medical personal care services appropriate to the resident's respective needs;
- other than supervision of self medication, medical services are not a service provided by the facility. The facility may provide space for an unrelated Home Health Service or a Medical Doctor's Office for ease of access to those services by the residents;
- provides linkages with hospitals, community services and makes transportation available; and
- provides timely assistance to residents for response to urgent or emergency needs.

**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.

**Automobile Repair Service, Major.** A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

**Automobile Repair Service, Minor.** A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

**Automobile Sales, Major.** A sales establishment offering new or used automobiles and light trucks where total sales inventory exceeds 30 vehicles.

**Automobile Sales, Minor.** A sales establishment offering new or used automobiles and light trucks where total sales inventory does not exceed 30 vehicles.

**Automobile Service 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 may include accessory facilities for rendering services, such as lubrication, washing and minor repairs.

**Bank or Financial Service.** A business engaged in providing banking or financial services to business and the general public, such as a bank, savings and loan association, credit union, finance company, and similar businesses.

**Bars and Taverns.** Business establishments offering for sale alcoholic beverages for on-premise consumption not otherwise meeting the food sales requirements for "Pub Restaurants" and excluding "Adult Theatres".

**Bed and Breakfast.** A dwelling unit where lodging for persons not of the immediate family is provided for by compensation for short periods of time as further defined by the Supplemental Use Regulations.

**BillBoard.** A freestanding, off-premise sign located on a lot not containing a building designed with the intent to be viewed by motorists.

**Broadcast Studio.** Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, including film and sound recording, such as a radio studio, TV studio, or a telegraphic service office.

**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.

**Car Wash.** A commercial establishment engaged in washing or cleaning automobiles and light vehicles.

**Church.** See "Place of Worship".

**Commercial Greenhouse.** A private establishment that grows and sells plant material on a wholesale and retail basis.

**Commercial Parking.** Parking of motor vehicles on a temporary basis within a commercially operated, off-street parking lot or garage.

**Commercial School.** Private, gainful business providing instructional service in the arts, business, crafts, trades, and professions.

**Community Center.** A building(s) arranged for community gathering for social, cultural, or community service purposes, including community meeting rooms, community recreation centers, YMCAs, YWCAs, and similar uses.

**Community Service Club.** A building or group of buildings arranged for the gathering of private club members and their guests, including social club, professional association, fraternal lodge, union hall, civic association, and similar uses.

**Condominium or Condominium Building.** One or more dwelling units other than detached single-family residences under individual ownership conforming to the provisions of State Law 1059, HB No. 107, 1973 Regular Session of the Legislature of the State of Alabama and for which a condominium association is legally established.

**Conservation Subdivision.** A subdivision of single-family detached dwellings, wherein portions of the site containing environmental features are left substantially undeveloped for preservation and/or recreation but where the developer may otherwise build the maximum number of lots, permissible under the base zoning district for the entire site, by clustering such dwellings on the portion(s) of the site not containing said environmental features.

**Construction Service.** A place of business engaged in construction activities, incidental storage, and wholesaling of building material (but not a home improvement center which also sells at retail), such as a building contractor, trade contractor, or wholesale building supplies store.

**Convenience Store.** A retail store containing less than 4,000 square feet of Gross Floor Area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket), excluding automotive fuel service islands.

**Cottage Subdivision.** A subdivision of four to twelve single-family detached dwellings, wherein the individual dwellings front on a common open space and are provided access by a shared service drive.

**Country Club.** Land and buildings containing recreational facilities and club house for private club members and their guests.

**Day Care Center.** A licensed facility, other than a residence, providing day care on a regular basis to more than six persons, including but not limited to nursery schools and kindergartens.

**Day Care Home.** See "Family Day Care Home".

**Duplex.** A building designed for or occupied exclusively by two families living independently of each other.



DUPLEX

**Dwelling.** Any building or portion thereof in which people live.

**Dwelling, Multi-Family.** A building designed for or occupied exclusively by three or more families living independently of each other.

**Dwelling, Single Family.** A building designed for or occupied exclusively by one household or family.

**Entertainment, Indoor.** A commercial establishment providing spectator entertainment within an enclosed building, including movie theaters, playhouses, and similar indoor facilities.

**Entertainment, Outdoor.** A commercial establishment providing spectator entertainment in open or partially enclosed or screened facilities, including sports arenas, and amusement parks.

**Farm Support Business.** A commercial establishment engaged in the sale of farm support goods and services, including the following activities:

- the sale of feed, grains, fertilizers, pesticides, and similar farm support goods;
- the provision of warehousing and storage facilities for raw farm products; and
- the provision of veterinary services to large animals.

**Family Day Care Home.** A care facility, licensed by the State of Alabama Department of Human

Resources, which is a family home and which receives no more than six children for care during only part of the day.

**Farm.** A tract of land used for the production, keeping or maintenance, for sale or lease, of plants and animals useful to man, including the following farming activities:

- forages and sod crops;
- grains and seed crops;
- dairy animals and products;
- poultry, including egg production but excluding poultry processing;
- livestock, such as beef cattle, sheep, goats, or any similar livestock, including the breeding and grazing of such animals but excluding meat processing;
- nursery operations involving the raising of plants, shrubs, and trees for sale and transplantation and including greenhouses and incidental sales of items customarily associated with a nursery operation;
- forestry operations involving the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or performing forest services, including temporary sawmills and chippers for cutting of timber growth on the same premises but excluding lumber yards, mills, and similar activities;
- bees and apiary products;
- fisheries, excluding fish and seafood processing;
- fruits and vegetables of all kinds, including growing and harvesting of such fruits and vegetables, but excluding food processing.

**Farm, Commercial.** Agricultural use of property primarily for the purpose of generating income or as the principal occupation of the resident(s) or user(s) thereof.

**Farm, Hobby.** Agricultural use of property from which generated income is incidental to the total household income of the resident(s) thereof.

**Farmer's Market.** A permanently-located, enclosed or partially unenclosed facility for the sale of fresh produce, including fruits, vegetables, plants and flowers and similar agricultural products, but excluding livestock and poultry.

**Flea Market.** A permanent, enclosed or partially unenclosed facility for the sale of fresh produce, arts and crafts, antiques, and other goods, but excluding livestock and poultry. The term "flea

market" does not include the offering for sale of goods by the owner thereof at owner's residence at what are commonly referred to as "garage sales" or "yard sales".

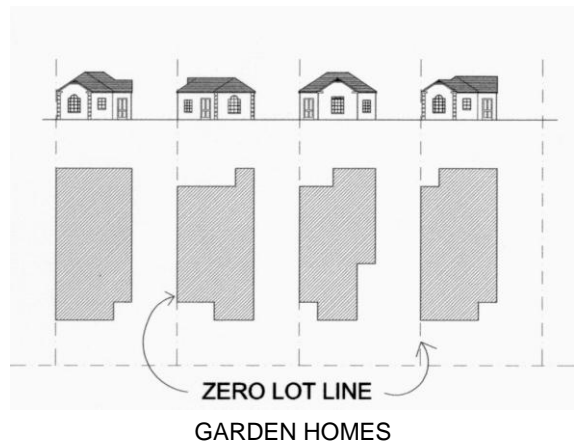
**Funeral Home.** A commercial establishment engaged in funeral and undertaking services for human burial.

**Garage Apartment.** A single-unit apartment located above a garage sited behind the principal dwelling unit on a single-family residential lot.

**Garage, Private.** An accessory building designed or used for the storage of a vehicles owned by the occupant of the building to which it is accessory.

**Garden Center or Nursery.** Retail sales of plants, trees, shrubs, and the like for ornamental or landscaping purposes, conducted from a building, greenhouse, outdoor display area, or stand, including incidental sales of items customarily associated with such sales activities, including such items as containers, fertilizers, ornaments, small gardening tools, and equipment, and seeds.

**Garden Home.** A detached, single-family dwelling, constructed on a small lot, in which there may be a zero-Lot Line setback, but that is otherwise constructed to the fire separation standards of the Building Code.



**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.

**General Retail Business, Unenclosed.** Retail sales of goods and services, not otherwise defined by this section, conducted partially or fully outside of a building, including, but not limited to, sidewalk sales, outdoor food service, outdoor tire sales, and outdoor display or sales.

**Granny Flat, Mews Apartment.** A freestanding, single-unit (usually single-story) apartment building located behind the principal dwelling unit on a single-family residential lot.

**Group Home.** A dwelling shared as a residence by persons who reside together as a single housekeeping unit, in which staff persons may provide supervision, counseling, treatment or therapy for the residents therein, and which may be licensed by, certified by, registered with, or otherwise authorized, funded or regulated, in whole or in part, by an agency of the state or federal government. The term shall include adult care homes, homes for the chronically mentally ill, homes for abused women or children, group care agencies, and similar residential living arrangements for handicapped persons, but shall not include Boarding houses, homes for the developmentally disabled, nursing homes, substance abuse treatment facilities, or any facility providing treatment, counseling, or therapy to patients or clients who do not reside on the premises.

**Guest House.** An accessory structure on a residential lot used for temporary occupancy by guests of the occupants of the principal dwelling to whom no compensation is made for such occupancy.

**Heavy Industry.** Meat or poultry processing and slaughterhouses or the storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

**Hobby Farm.** A two-acre or larger tract of land used for the production, keeping, or maintenance of farm animals including horses, but excluding poultry and swine and other livestock, as an accessory use to the principal dwelling and where any income derived from such use is incidental only to the income of the residents.

**Home Improvement Center.** A place of business providing building, appliance, yard and garden materials, tools, and supplies at retail and wholesale.

**Home Instruction.** Instruction in the arts, music, or academic subjects given from a dwelling by the resident to up to four students at a time, except in the case of musical instruction which shall be limited to up to two students at a time.

**Home Occupation, Minor.** A home occupation which:

- has no exterior evidence of the home occupation;
- does not generate traffic in excess of 20 (twenty) trips in one (1) day in addition to trips generated by the residence. (A "trip" is a vehicle traveling in one direction to or from a source. In other words, twenty (20) trips equals ten (10) round trips);
- does not create a need for off-street parking beyond normal dwelling needs; and
- is operated by and employs family members residing on the premises of the home occupation.

**Home Occupation, Major.** A home occupation which:

- has no exterior evidence of the home occupation with the exception of signs permitted by Article X of this Ordinance;
- is conducted within a single family dwelling including a single family detached dwelling, a single family semi-detached dwelling, or a single family attached dwelling;
- accommodates the off-street parking needs of both the dwelling and home occupation; and
- involves or employs no more than one (1) person who is not a family member residing on the premises in the operation of the home occupation.

**Hospital.** An establishment which provides health services primarily for in-patient medical or surgical care of the sick or injured, including accessory facilities such as laboratories, pharmacies, out-patient clinics, training facilities, gift shops, coffee shops, cafeterias, and staff offices.

**Hotel.** A building in which lodging, or Boarding and lodging, are provided and offered to the public for compensation and in which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. A hotel is open to the transient public in contradistinction to a rooming

house or Boarding house, which are herein separately defined.

**Independent Living Facility.** A residential building or complex, which groups seniors for the purpose of social interaction and mutual support in a common interest community. Group facilities may be provided on premises for recreation and social interaction, but only limited support services are typically provided.

**Industrial Park.** A tract of land developed for industrial use(s), the control and administration of which are vested in a single body. Such controls include regulation of permitted uses on site and otherwise in accordance with Alabama Legislative Act 1978, No. 604.

**Institution or Institutional Use.** A structure or land occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services, as categorized below:

- **Low Intensity:** Civic, service, and fraternal organizations; cultural facilities; day care centers; dormitories; elementary schools; group homes with more than 6 residents; nursing homes rest homes, and other homes for the aged.
- **Medium intensity:** Government buildings up to 12,500 sf; health institutions up to 50,000 sf; junior high and middle schools; religious institutions up to 750 seats; stadiums and arenas up to 5,000 seats; other institutions up to 50,000 sf.
- **High intensity:** Government buildings greater than 12,500 sf; health institutions greater than 50,000 sf; religious institutions greater than 750 seats; high schools, universities, colleges, junior colleges; other institutions greater than 50,000 sf

**Junk Yard or Salvage Yard.** A property on which junk, as herein defined, is stored for a period of thirty (30) days or longer and is salvaged, collected, and/or dismantled for resale, including the holding of two or more vehicles, remaining inoperable for thirty (30) days or longer, from which parts have been or are intended to be removed for re-use or resale.

**Kennel.** An establishment for the Boarding or breeding of dogs, cats and other household pets for commercial purposes.

**Laundry Service.** A commercial establishment providing laundering, dry cleaning, or dyeing

service (other than a laundry or dry cleaning pick-up station defined under personal service), such as a laundry and dry cleaning plant, diaper or linen service.

**Livestock Sales.** The sale of animal livestock within an enclosed yard or structure, including livestock markets, horse auctions, and similar activities.

**Maintenance Service.** An establishment providing building and yard maintenance services, such as janitorial services, exterminating services, landscape services, and window cleaning services.

**Manufactured Home (Class A, B, C).** (See also individual definitions below) A residential unit that is not constructed in accordance with the standards set forth in the Standard Building Code and is composed of one or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to a site on its own chassis. Such manufactured homes are distinguished from modular homes because a modular home meets the standards set forth in the Standard Building Code. The term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. Within this ordinance, when the term single-family dwelling is used it shall not include a manufactured home unless otherwise specified.

**Manufactured Home, Class A.** (double wide, pitched roof built after 1976) A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- The manufactured home has a minimum of 960 square feet of enclosed and heated living area per dwelling area.
- The pitch of the roof of the manufactured home has a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.

- All roof structures shall provide an eave projection of no less than six (6) inches, which may include a gutter.
- The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardBoard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
- The manufactured home is set up in accordance with the standards set by the Alabama Manufactured Home Institute. Screening of the foundation area shall be by a continuous, permanent masonry foundation or skirting, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- Stairs, porches, entrance platforms, ramps, and other means of entrance and exit to and from the manufactured home shall be installed or constructed in accordance with the standards set by the Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- The moving hitch, wheels and axles, and transporting lights have been removed.
- It is the intent of these criteria to insure that a Class A manufactured home, when installed, shall have substantially the appearance of an on-site, conventionally built, single-family dwelling.

*Manufactured Home, Class B.* A single-wide manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

*Manufactured Home, Class C.* A manufactured home built before 1976 that does not meet the definition of a Class A or Class B manufactured home. Class C Manufactured Homes shall not be allowed in the City of Clay, except as existing structures permitted prior to the adoption of this ordinance.

*Manufactured Home Park.* Any parcel of ground upon which one or more Class A or Class B manufactured homes occupied for dwelling purposes are located, regardless of whether a charge is made for accommodations.

*Manufactured Home Subdivision.* A subdivision designed and/or intended for the sale of lots for siting Class A Manufactured Homes and in

accordance with the requirements of the City of Clay Subdivision Regulations.

*Manufacturing, General.* The basic processing and manufacturing of materials or products predominately from extracted or raw materials and the incidental storage, sales, and distribution of such products.

*Manufacturing, Light.* The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assemble, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products.

*Medical Clinic.* A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an out patient basis.

*Medical Support Service.* A place of business which supplies medical support services to individuals, medical practitioners, clinics, and hospitals, such as a pharmacy (where the business activity is limited to the filling of medical prescription and the sale of drugs and medical supplies), medical and surgical supply store, and optician, and the like.

*Mini-Warehouse.* A building or group of buildings containing separate storage spaces which are leased on an individual basis for the exclusive purpose of storing non-hazardous household goods, but not including the storage of materials for a commercial or industrial enterprise or for any activity other than dead storage.

*Modular Home.* A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which meets the standards of the Standard Building Code.

*Motel.* A building or group of buildings used for the temporary occupancy of transients in which direct ingress and egress to and from all rooms is from the exterior of the building and in which individual units contain no facilities for cooking. A motel is open to the transient public in contradistinction to a rooming house or Boarding house, which are herein separately defined

**Multiplex.** A building containing three or four attached, multi-family dwellings.



MULTIPLEX

**Night Club.** A business establishment offering for sale alcoholic beverages for on-premise consumption and also offering entertainment such as music, dancing, and live music performances.

**Nursing Care Facility.** A licensed institution maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that provided in a hospital but at a higher level than provided in a domiciliary care facility.

**Office.** A building, room or other space where professional, clerical, administrative and similar activities are performed.

**Open Air Market.** Retail sales of arts, crafts, produce, discount or used goods partially or fully outside of an enclosed building, such as a flea market, produce market, craft market, or farmers' market.

**Outdoor Storage.** The keeping of goods and materials, other than that necessary to and in association with construction under a valid Building Permit, and vehicles, belonging to persons other than the property owner that are not wholly enclosed within a building or structure, and that are retained on the same premises for more than twenty-four (24) hours.

**Patio Home.** See "Garden Home".

**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.

**Place of Worship.** Buildings arranged for religious service purposes, such as churches and synagogues, including related facilities for instruction, meeting, recreation, lodging, eating, and other integrally related activities.

**Portable Building.** Mobile or transportable factory-built buildings or structures used for other than residential, instructional, recreational, medical or dining purposes or for civic, social or religious functions.

**Private Club.** A building or premises, or portion thereof, owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service customarily carried on as a business.

**Pub Restaurant.** Any place or premises in which foods, refreshments, and malt or brewed beverages and/or table wines are offered for sale for consumption within the building in which the establishment is located, which meets the requirements for such use in the Supplemental Use Regulations.

**Public Assembly Center.** Buildings arranged for the general assembly of the public at-large for community events, including coliseums, stadiums, civic centers, and similar uses.

**Public Facility.** Buildings arranged for the purpose of providing public services, not otherwise listed in this section, including government offices, post offices, transit stations, police stations, fire and emergency service stations, civil defense operations, and similar uses.

**Public Utility Facility.** Facility that provides public utility services to the public at large, including water and sewerage facilities, gas distribution facilities, electric transmission and distribution facilities, and cable transmission and distribution facilities.

**Recreation, Active.** The use of land for sports and other recreational activities, which typically require improvements and maintenance of the land for playing fields and include related structures and equipment.

**Recreation, Indoor.** A commercial establishment providing recreational or sports activities to participant within an enclosed building, including bowling alleys, billiard parlors, video game centers, ice and roller skating rinks, and other

commercial indoor recreational and sports activities.

*Recreation, Outdoor.* A commercial establishment providing recreation or sports activities to participants in open or partially enclosed or screened facilities, including driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and other similar commercial outdoor recreational and sports activities.

*Recreation, Passive.* The use of open space for leisure activities and recreation other than sports. Such activities typically require only minor land improvement and facilities and include but shall not be limited to picnicking, walking, hiking, biking, playgrounds, wildlife observation, fishing, and the incidental use of open fields or grassed areas for "pick-up" games.

*Recreational Vehicle.* A vehicular, either motorized or non-motorized, built on a chassis designed as a temporary dwelling for travel, recreation, vacation, and other short-term use. This term shall include portable campers attached to the bed of pickup trucks.

*Rehabilitation Facility.* An institutional facility providing residential and custodial care for the rehabilitation of socially-impaired individuals who are indigent, recovering from addiction to drugs or alcohol, or recently released from a penal institution.

*Research Lab.* An establishment engaged in research of an industrial or scientific nature, excluding product testing, such as an electronics research lab, research and development firm, or pharmaceutical research lab.

*Resource Extraction.* The removal of soil, sand, clay, gravel, minerals, or similar materials for commercial purposes, including quarries, borrow pits, sand and gravel operations, gas extraction, and mining.

*Restaurant, Fast Food.* An establishment where food and drink are rapidly prepared for carry out, fast delivery, drive-through, or drive-in and may also include standard sit-down consumption.

*Restaurant, Standard.* An establishment where food and drink are prepared, served, and primarily consumed within the building where guests are seated and served. Also referred to as "Dine-in Restaurant."

*Restaurant, Take Out.* An establishment where food and drink are prepared and purchased for consumption off the premises.

*Rooming or Boarding House.* A building other than a hotel or motel where lodging for more than three persons not of the immediate family is provided for definite periods and for compensation.

*Salvage Yard.* A place of business engaged in the storage, sale, dismantling or other processing of used or waste materials, such as a junk or automotive salvage yard.

*Sanitary Landfill.* A State-approved site for solid waste disposal.

*School.* Public or non-profit school.

*Shopping Center, Major.* A group of commercial establishments (as permitted in the district) located on a lot of ten or more acres planned and developed in a unified design with shared parking and driveway facilities and under common management authority.

*Shopping Center, Minor.* A group of commercial establishments (as permitted in the district) located on a lot of three to less than ten acres planned and developed in a unified design with shared parking and driveway facilities and under a common management authority.

*Specialty Shop.* A small-scale retail business dealing in goods or services associated with a specific, distinctive area of interest to a particular clientele and excluding any retail businesses otherwise defined as "adult-oriented".

*Stable.* A commercial establishment engaged in the raising, keeping, Boarding, or training of horses, ponies, and similar animals, including riding academies and incidental sales of riding accessories and animals raised or regularly kept on the premises.

*Studio.* A place of work by an artist, photographer, or craftsman, including instruction, display, production, and retail sales of materials produced on the premises.

*Telecommunications Tower.* A tower used for the transmission of wireless communication signals to the general public or private receivers, other than building-mounted antennae and

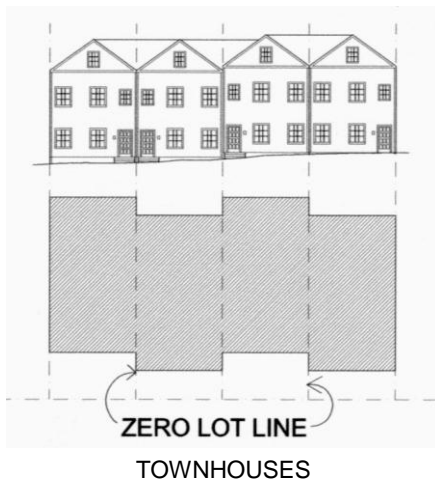


distributed, repeater, or microcell antenna systems, amateur radio towers and towers used by a public facility.

**Temporary Shelter.** A structure or part thereof operated on a nonprofit basis to temporarily house families or individuals who are victims of disaster, who are affected through action on the part of or on behalf of the municipality other than routine redevelopment-related relocation activities, or who have bona fide emergency housing needs.

**Therapeutic Massage Clinic.** Any establishment or business which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms of physiotherapy, operated by a medical practitioner, chiropractor or professional physical therapist licensed by the State of Alabama. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Townhouse.** A single-family attached dwelling constructed with entrance at grade level, with no required setback from the Side Lot Lines, and with fire separation provided by "fire walls" as required by the Building Code.



**Upper-Story Dwelling.** A dwelling located in the upper story of a building where the ground floor is

devoted to non-residential use. Also referred to as "Residential in a Mixed-Use Building".

**Vehicle and Equipment Repair, Major.** A place of business engaged in the repair and maintenance of heavy trucks (over one ton), travel trailers, recreational vehicles, boats, construction equipment, tractors and implements or engaged in painting, body repair, upholstery repair, fabrication of parts, or rebuilding of engines.

**Vehicle and Equipment Sales, Major.** A place of business engaged in the sale or rental of heavy trucks (over one ton), construction equipment, tractors and farm implements, manufactured homes, and similar heavy equipment, including incidental storage, maintenance, and servicing.

**Vehicle Sales or Rental, Major.** A commercial establishment engaged in the sale or rental of travel trailers, recreational vehicles, boats, including incidental parking, storage, maintenance, and servicing.

**Veterinary Hospital or Clinic.** A place where small household pets are given medical or surgical treatment and short term Boarding of pets within an enclosed building may be provided.

**Warehousing, Wholesaling, and Distribution, Enclosed.** A place of business engaged in warehousing, wholesaling, or distribution services enclosed within a building or group of buildings.

**Warehousing, Wholesaling, and Distribution, Open.** A place of business engaged in open air warehousing, wholesaling, or distribution services.

**Wireless Communications Service.** Building-mounted antennae and distributed, repeater, or microcell antenna systems used for the transmission of wireless communication signals to the general public, excluding "Telecommunications Towers".

**303.03. Abbreviations used in this Ordinance.**

ABC – Alcoholic Beverage Control Board,  
State of Alabama.

ac – Acre(s).

ATM – Automated Teller Machine.

bldg – Building.

ft – Foot or Feet.

GFA – Gross Floor Area.

lf – Linear feet.

max. – Maximum.

min. – Minimum.

PUD – Planned Unit Development.

R.O.W. – Right of Way.

sf - Square feet.

% - Percent

§ - Section or Subsection.

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## **ARTICLE 4. ESTABLISHMENT OF DISTRICTS.**

**Section 401. Zoning Districts.** In order to carry out the intent and purposes of this Ordinance, the City of Clay, Alabama, is hereby divided into the following zoning districts; the location, boundaries and area of which are and shall be shown and depicted on the official Zoning Map:

### **Residential Zones**

- RE Estate Single Family Residential Zone, see § 501
- RL Low Density Single Family Residential Zone, See §502
- RM Medium Density Single Family Residential Zone, See §503
- RH High Density Single Family Residential Zone, See §504
- RP Planned Unit Zone, See §505

### **Agricultural Zones**

- AG Agricultural Zone, See §506

### **Commercial Zones**

- NC Neighborhood Center Commercial Zone, See §507
- TC Town Center Commercial Zone, See §508
- HC Highway Commercial Zone, See §509
- SC Special Commercial Zone, See §510

### **Institutional Zones**

- NI Neighborhood Institutional Zone, See §511
- CI Community Institutional Zone, See §512

### **Industrial Zones**

- I-1 Light Industrial Zone, See §513
- I-2 Heavy Industrial Zone, See §514
- I-3 Mining and Manufacturing Zone, See §515

### **Other Zones**

- U-P Present Use Zone, See §516

**Section 402. Interpretation of District Boundaries.** Where uncertainty exists regarding the boundaries of any district shown on the Zoning Map, the following rules shall apply:

**402.01.** Where any district boundaries are indicated as approximately following the centerlines of streets and alleys, lot or Lot Lines, stream center lines, or corporate limit lines, said lines shall be considered to be such boundaries.

**402.02.** In un-subdivided property where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the Zoning Map, shall be determined by the use of the scale appearing on the Zoning Map.

**402.03.** Where physical or cultural features existing on the ground are at Variance with those shown on the Zoning Map, or in circumstances not covered by the preceding rules, the Zoning Board of Adjustment shall interpret the district boundaries.

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**ARTICLE 5. REGULATIONS BY ZONING DISTRICT.**

**Section 500 RR Rural Residential Single Family Zone (see Amendment Ordinance 2011-01)**

A district intended exclusively for single lots of record that existed prior to the adoption of this ordinance. It is for single-family rural residential neighborhoods and homes that existed at the time of Clay's incorporation. It is intended to accommodate, facilitate and maintain the rural residential character. This category is not available for new subdivisions.

500.01 Permitted Uses

The primary use of properties shall be residential, with any non-residential uses to be permissible only after the primary (residential) use is established.

Single-Family Dwellings (Site Built)	Livestock Kept For Personal Use Only (Non-Commercial)
Customary Accessory Buildings Or Structures In Accordance With Article 5	Customary Accessory Structures, Incidental To The Keeping Of The Above Livestock, In Accordance With Article 5
Hobby Farms	Household Pets

500.02 Uses Permitted Subject to Supplemental Use Regulations

Minor Home Occupations §7.8	
Accessory Dwellings §7.2	

500.03 Special Exception Uses

None	

500.04 Area and Dimensional Requirements

The following regulations govern lot area, setbacks, building size, and density, as subject to the applicable provisions of Article 5: General Requirements and Article 7: Supplemental Use Regulations.

Maximum Building Height	2 Stories
Minimum Floor Area	1,000 Sq Ft For One-Story Dwellings Or
Lot Size	1/2 Acre to 2 Acres
Minimum Lot Width	As Per Recorded Survey
Maximum Lot Coverage (Impervious Surfaces)	As Per Recorded Survey
Minimum Front Yard Setback	As Per Recorded Survey
Minimum Rear Yard Setback	As Per Recorded Survey
Minimum Side Yard Setback	As Per Recorded Survey
Minimum Setback Between Structures On Same Lot	As Per Recorded Survey
Fences And Walls	3ft Minimum And 7 Ft Maximum, Subject To §6.11
Buffers And Screening	See §6.9 And §6.10

500.05 Requirements for Keeping of Livestock

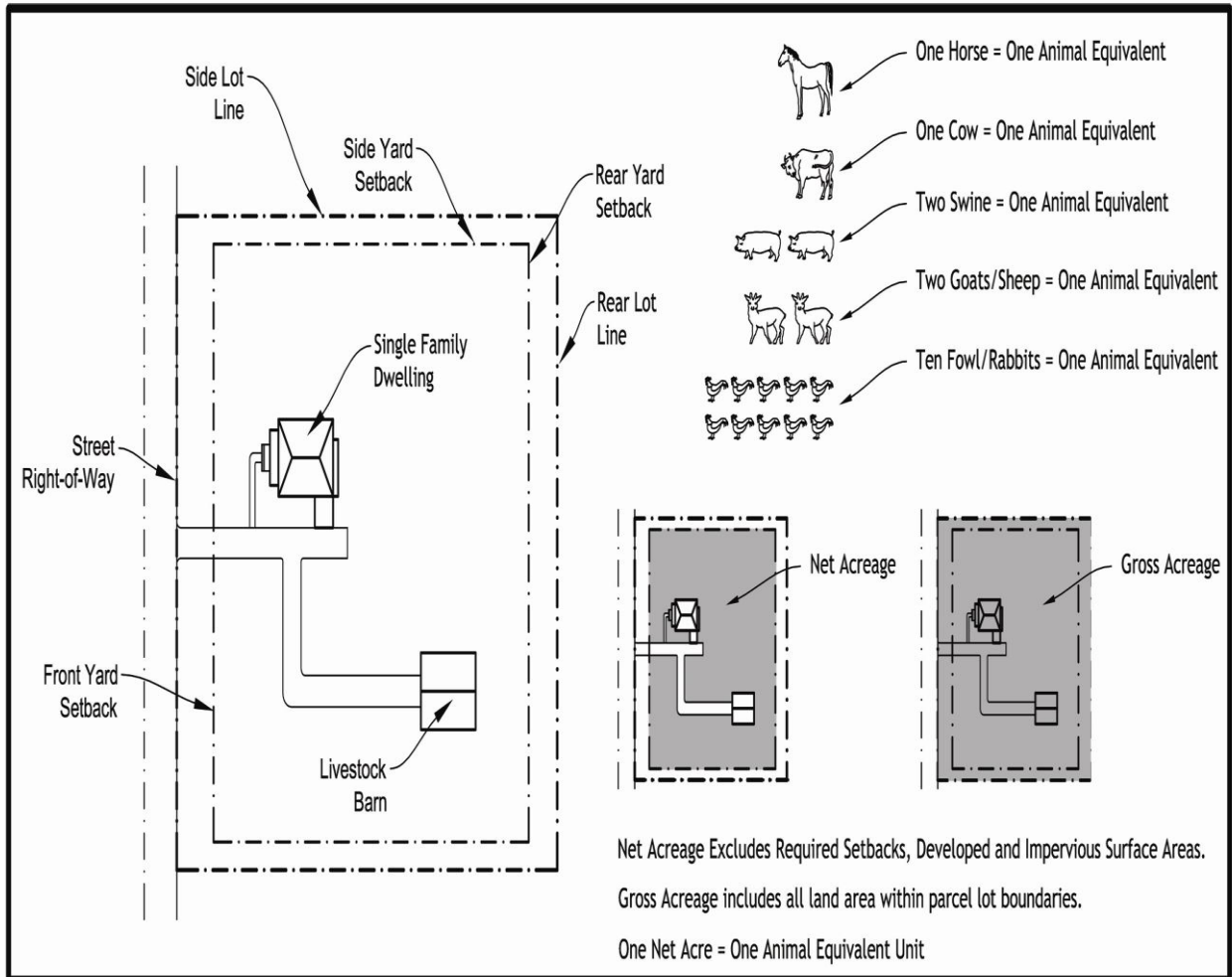
**1. Minimum setback of agricultural structures shall be:**

- A.** Livestock barns – 100 ft from adjoining Lot Lines, 100 ft from nearest thoroughfare rights-of-way, 120 ft from the nearest existing residence on any adjoining property
- B.** Fowl houses – 150 ft from adjoining Lot Lines, 300 ft from nearest thoroughfare rights-of-way, 300 ft from the nearest existing residence on any adjoining property
- C.** Fowl pens shall not be located within any required yard.
- D.** Swine shall not be housed, fed, and/or watered within 100 ft of any adjoining Lot Line or within 300 ft of any thoroughfare right-of-way.
- E.** The maximum number of animals permitted on one property in an RR Zone shall be one animal equivalent units, as determined by the following assignment of animal equivalent units, for the first “net” acre, which excludes required setbacks and developed and impervious surface areas. A maximum of one animal equivalent unit shall be allowed for each additional net acre. No more than twenty (10) individual animals per property shall be permitted. Keeping of livestock in quantities greater than provided herein shall be permitted only in an AG Zone.

Animal Equivalent Units		
horse = 1 unit	sheep = 0.5 units	all fowl = 0.1 units
cow = 1 unit	goat = 0.5 units	
swine = 0.5 units	rabbit = 0.1 units	

- F.** The Planning Commission as needed shall determine equivalents for animals not listed. Offspring shall not be counted until they are weaned. Animals, which are not weaned, shall be counted when they reach half their adult weight based on industry standards.
- G.** Piles of feed or bedding shall be located no closer than fifty (50) feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.
- H.** Manure shall be stored for removal and disposed of in accord with all applicable county, state, and federal regulations. No manure piles shall be located closer than fifty (50) feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse, or other water body.





## Area Calculations for Animal Equivalent Units

**Section 501: RE Estate Single Family Zone. (See Amendment Ordinance 2008-12)** A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of a more spacious neighborhood environment generally through larger lot, yard, and house size requirements.

**501.01 Permitted Uses.** The primary use of properties shall be residential, with any non-residential uses to be permissible only after the primary (residential) use has been established.

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>▪ single-family dwellings (Site built)</li> <li>▪ customary accessory buildings or structures in accordance with Article 6</li> <li>▪ hobby farms</li> </ul> | <ul style="list-style-type: none"> <li>▪ livestock kept for personal use only (non-commercial)</li> <li>▪ customary accessory structures, incidental to the keeping of the above livestock, in accordance with Article 6</li> </ul> |
|---|---|

**501.02 Uses Permitted Subject to Supplemental Use Regulations**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>▪ minor home occupations §709</li> </ul> | <ul style="list-style-type: none"> <li>▪ conservation subdivisions §712</li> </ul> |
|---|--|

**501.03 Special Exception Uses**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>▪ accessory dwellings §701</li> <li>▪ bed and breakfasts §705</li> </ul> | <ul style="list-style-type: none"> <li>▪ major home occupations §709</li> <li>▪ public utility service §729</li> </ul> |
|---|--|

**501.04 Area and Dimensional Requirements. (See Amendment Ordinance 2008-12)** 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	2 stories
Minimum floor area	<ul style="list-style-type: none"> <li>▪ 2,000 sf for one-story dwellings or</li> <li>▪ 1,600 sf (first floor) and 2,600 sf total for two-story dwellings</li> </ul>
Minimum lot size	2 acres
Minimum lot width	200 ft
Maximum lot coverage (Impervious surfaces)	30%
Min. Front Yard setback	45 ft (includes both street sides of corner lots)
Min. Rear Yard setback	35 ft
Min. Side Yard setback	20 ft
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 7 ft max., subject to §606
Buffers and Screening	See §604 and §605

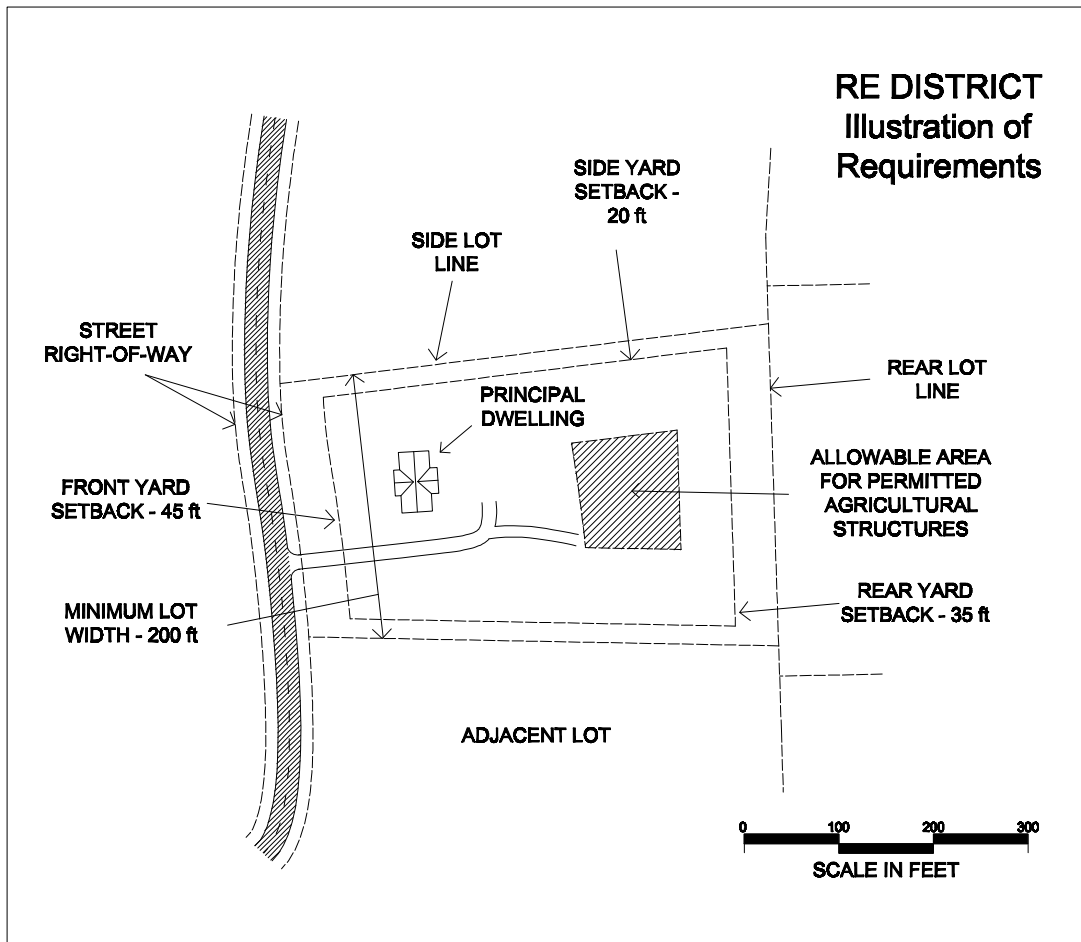
**501.05 Requirements for Keeping of Livestock.**

- A. Minimum setback of agricultural structures shall be:
  - Livestock barns - 50 ft from adjoining Lot Lines, 100 ft from nearest thoroughfare rights-of-way, 100 ft from the nearest existing residence on any adjoining property
  - Fowl houses – 100 ft from adjoining Lot Lines, 300 ft from nearest thoroughfare rights-of-way, 300 ft from the nearest existing residence on any adjoining property
- B. Fowl pens shall not be located within any required yard.
- C. Swine shall not be housed, fed, and/or watered within 100 ft of any adjoining Lot Line or within 300 ft of any thoroughfare right-of-way.

- D. The maximum number of animals permitted on one property in an RE Zone shall be two animal equivalent units, as determined by the following assignment of animal equivalent units, for the first “net” acre, which excludes required setbacks and developed and impervious surface areas. A maximum of one animal equivalent unit shall be allowed for each additional **net** acre. No more than twenty (20) individual animals per property shall be permitted. Keeping of livestock in quantities greater than provided herein shall be permitted only in an AG Zone.

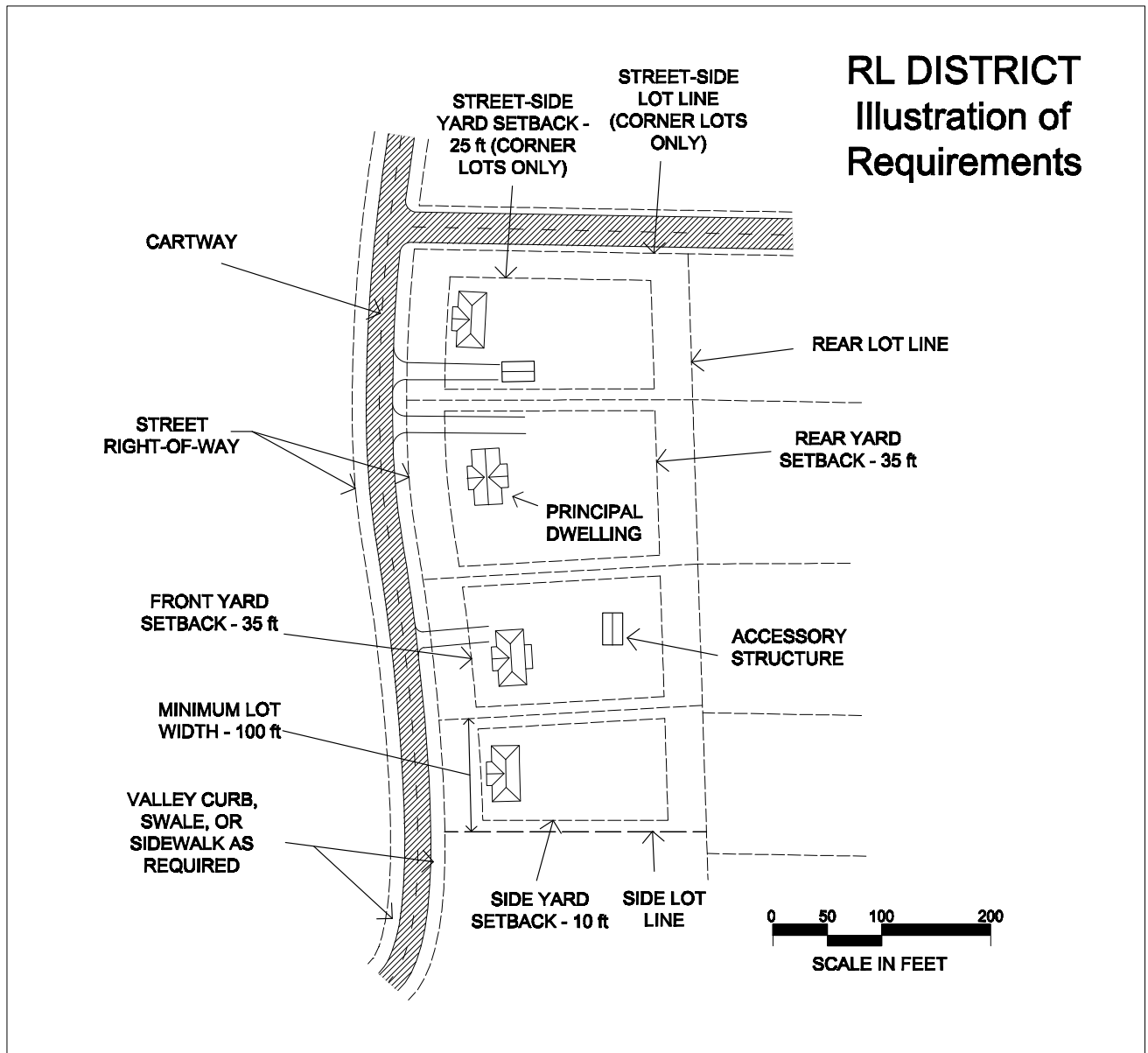
Animal Equivalent Units		
horse = 1 unit	sheep = 0.5 units	all fowl = 0.1 units
cow = 1 unit	goat = 0.5 units	
swine = 0.5 units	rabbit = 0.1 units	

- E. Equivalents for animals not listed shall be determined by the Commission as needed. Offspring shall not be counted until they are weaned. Animals which are not weaned shall be counted when they reach half their adult weight based on industry standards.
- F. Piles of feed or bedding shall be located no closer than fifty (50) feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.
- G. Manure shall be stored for removal and disposed of in accord with all applicable county, state and federal regulations. No manure piles shall be located closer than fifty (50) feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse or other water body.



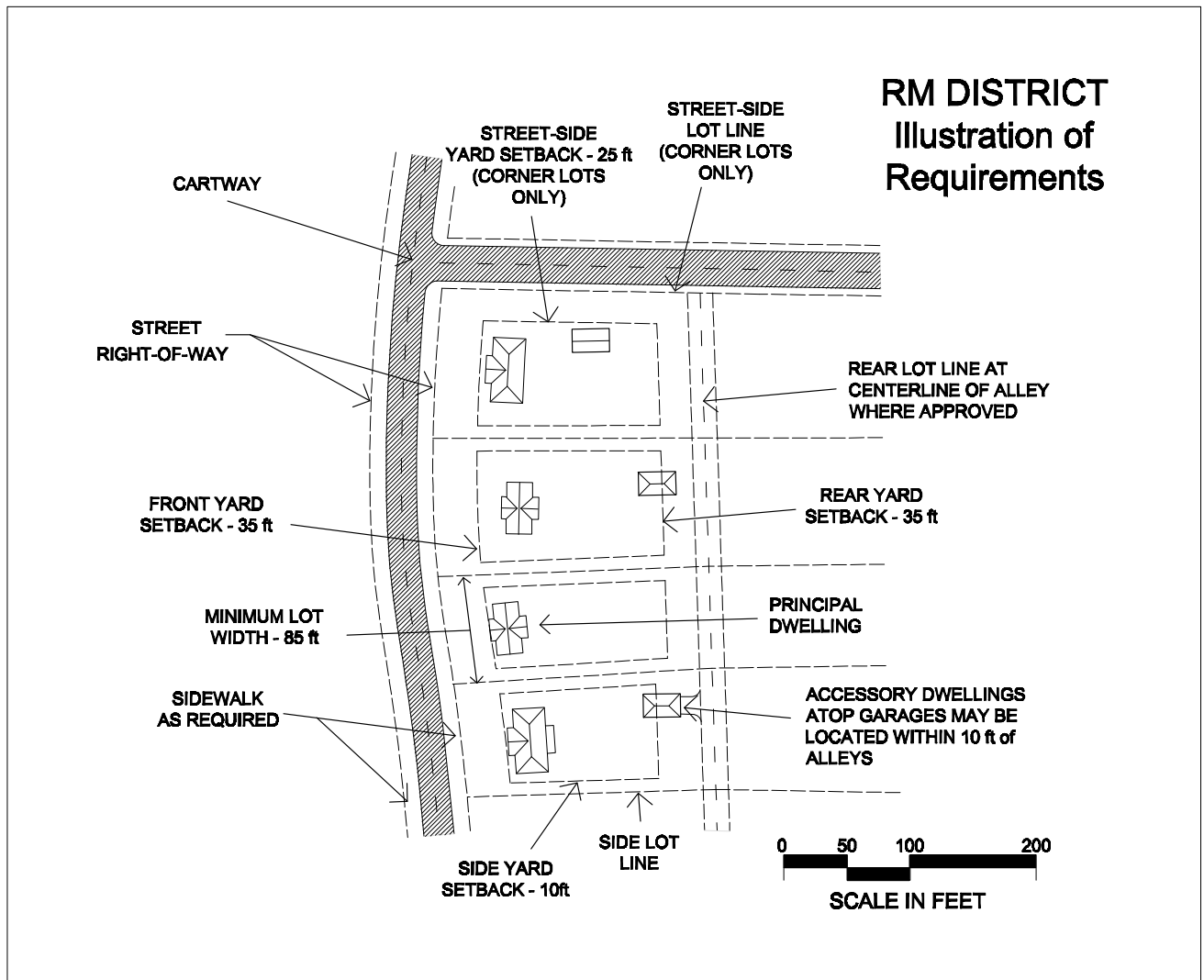
**Section 502: RL Low Density Single Family Zone. (See Amendment Ordinance 2008-12)** A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of a more spacious neighborhood environment generally through larger lot, yard, and house size requirements.

<b>502.01 Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ single-family dwellings (Site built)</li> <li>▪ customary accessory buildings or structures in accordance with Article 6</li> </ul>	
<b>502.02 Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ minor home occupations §709</li> <li>▪ conservation subdivisions §712</li> </ul>	
<b>502.03 Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ accessory dwellings §701</li> <li>▪ major home occupations §709</li> <li>▪ day care home §708</li> <li>▪ public utility service §729</li> </ul>	
<b>502.04 Area and Dimensional Requirements. (See Amendment Ordinance 2008-12)</b> 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	2 stories
Minimum floor area	<ul style="list-style-type: none"> <li>▪ 1,600 sf for one-story dwellings or</li> <li>▪ 1,400 sf (first floor) and 2,200 sf total for two-story dwellings</li> </ul>
Minimum lot size	20,000 sf
Minimum lot width	100 ft
Maximum lot coverage (Impervious surfaces)	40%
Min. Front Yard setback	35 ft
Min. Rear Yard setback	35 ft
Min. Side Yard setback	10 ft
Corner Lots	Primary Front Yard - 35 ft min. Secondary Front Yard - 25 ft min.
Min. Setback between structures on same lot	10 ft
Fences and walls	3ft min. and 7 ft max. , subject to §606
Buffers and Screening	See §604 and §605



**Section 503: RM Medium Density Single Family Zone. (See Amendment Ordinance 2008-12)** A district intended exclusively for single-family residential neighborhoods and to facilitate and maintain development of neighborhood environments characterized by a density of approximately three dwellings per acre, excluding permitted accessory dwellings.

<b>503.01 Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ single-family dwellings (Site built)</li> <li>▪ customary accessory buildings or structures in accordance with Article 6</li> <li>▪ parks and playgrounds</li> </ul>	
<b>503.02 Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ minor home occupations §709</li> <li>▪ conservation subdivisions §712</li> </ul>	
<b>503.03 Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ accessory dwelling §701 on lots of no less than 20,000 sf</li> <li>▪ major home occupations §709</li> <li>▪ public utility service §729</li> </ul>	
<b>503.04 Area and Dimensional Requirements. (See Amendment Ordinance 2008-12)</b> 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	2 stories
Minimum floor area	<ul style="list-style-type: none"> <li>▪ 1,200 sf for one-story dwellings or</li> <li>▪ 900 sf (first floor) and 1,400 sf total for two-story dwellings</li> </ul>
Minimum lot size	13,500 sf
Minimum lot width	85 ft
Maximum lot coverage (Impervious surfaces)	50%
Min. Front Yard setback	30 ft
Min. Rear Yard setback	35 ft
Min. Side Yard setback	10 ft
Corner Lots	Primary Front Yard - 30 ft min. Secondary Front Yard - 25 ft min.
Fences and walls	3ft min. and 7 ft max., subject to §606
Buffers and Screening	See §604 and §605
<b>For permitted accessory dwellings</b>	
Maximum floor area	33% of floor area of principal dwelling
Rear Yard setback	35 ft or 10 ft for accessory dwellings above garages when accessible by an existing or proposed alley
Maximum density	1 accessory dwelling per principal dwelling with a minimum lot size of 20,000 sf in sewered areas only
Setback from principal dwelling	20 ft



**Section 504: RH High Density Single Family Zone. (See Amendment Ordinance 2008-12 & 2008-10)** district intended for single-family residential neighborhoods in a compact neighborhood environment through small lot, yard, and house size requirements. These neighborhoods provide locations for affordable, high-density, single family residential developments including garden and patio homes, and cottage subdivisions.

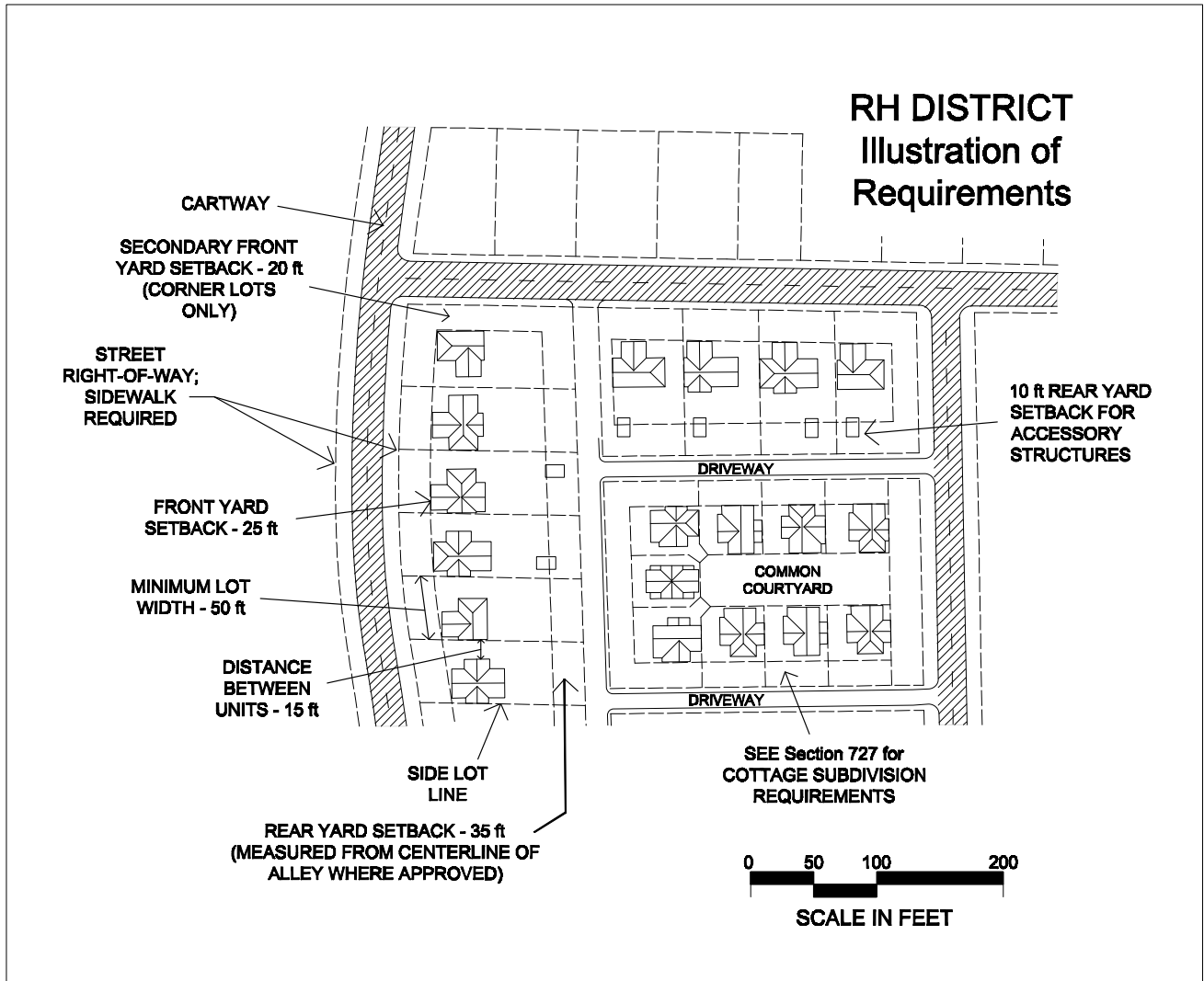
<b>504.01 Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ single-family dwellings (Site built)</li> <li>▪ customary accessory buildings or structures in accordance with Article 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ parks and playgrounds</li> </ul>
<b>504.02 Uses Permitted Subject to Supplemental Use Regulations (See Amendment Ordinance 2008-10)</b>	
<ul style="list-style-type: none"> <li>▪ minor home occupations §709</li> <li>▪ conservation subdivisions §712</li> </ul>	<ul style="list-style-type: none"> <li>▪ garden homes §713</li> <li>▪ cottage subdivisions §727</li> </ul>
<b>504.03 Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ accessory dwellings, on lots of no less than 20,000 sf §701</li> </ul>	<ul style="list-style-type: none"> <li>▪ public utility service §729</li> </ul>
<p><b>504.04 Area and Dimensional Requirements. (See Amendment Ordinance 2008-12)</b> 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. For cottage subdivisions, and duplexes, the Supplemental Use Regulations for the applicable use shall supersede the following provisions, where any conflicts may occur.</p>	
Maximum building height	2 stories
Minimum floor area	<ul style="list-style-type: none"> <li>▪ 1,200 sf for one-story dwellings or</li> <li>▪ 1,000 sf (first floor) and 1,200 sf total for two-story dwellings</li> </ul>
Minimum lot size	5,500 sf
Minimum lot width	50 ft
Maximum lot coverage (Impervious surfaces)	70%
Min. Front Yard setback	25 ft
Min. Rear Yard setback	35 ft
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ dwelling units shall be located no closer than 15 ft between the nearest walls of the individual units</li> <li>▪ no dwelling shall be located closer than 25 feet to the nearest boundary line of an abutting RE or RL Zone and no closer than 15 feet from the nearest boundary line of an abutting RM Zone</li> </ul>
Corner Lots	Primary Front Yard - 25 ft min. Secondary Front Yard - 20 ft min.
Fences and walls	3ft min. and 7 ft max., subject to §606
Buffers and Screening	12 ft along the rear and Side Yards along the perimeter of a development abutting RE, RL, or RM Zones, further subject to §604 and §605
<b>For permitted accessory dwellings</b>	
Maximum floor area	10% of the heated living area of the principal dwelling or 200 sf, whichever is less
Min. Rear Yard setback	10 ft
Min. Side Yard setback	8 ft
Min. Secondary Front Yard setback (Corner	20 ft



Lots)	
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**504.05. Buffer Requirements.** The design and maintenance of required buffer strips shall comply with the provisions of §604 and §605 and shall be provided for by written covenant, the adequacy of which shall be determined and approved by the Commission.

**504.06. Additional Regulations.** No fences or walls, other than those provided as part of a required buffer, shall be located within 15 feet of the perimeter of an RH development site. This shall not apply to retaining walls.



**Section 505 (See Amendment Ordinance 2013-04): RP District.** Planned development districts are hereby authorized for the purpose of providing optional methods of land development, which encourages imaginative solutions to environmental design problems. Areas so established shall be characterized by a unified building and site development program providing for coordinated open space and architectural treatment. An RP district is intended to provide flexibility of design, types, and densities for either residential neighborhoods, commercial developments, or mixed use developments. The minimum acreage required to be considered for an RP district zoning is 5 acres.

<b>505.01. Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ single-family dwellings (site built and manufactured)</li> <li>▪ customary accessory buildings or structures in accordance with Article 6</li> </ul>	<ul style="list-style-type: none"> <li>▪ parks and playgrounds</li> <li>▪ schools</li> <li>▪ places of worship</li> <li>▪ neighborhood center commercial zone in accordance with §507</li> </ul>
<b>505.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ apartment complexes §703</li> <li>▪ apartment and condominium buildings §703</li> <li>▪ minor home occupations §709</li> <li>▪ conservation subdivisions §712</li> <li>▪ townhouses §714</li> </ul>	<ul style="list-style-type: none"> <li>▪ multiplexes §715</li> <li>▪ manufactured home parks §717</li> <li>▪ camper parks §723</li> <li>▪ independent living facilities §725</li> <li>▪ cottage subdivisions §727</li> </ul>
<b>505.03. Guiding Principles</b>	
<ul style="list-style-type: none"> <li>▪ The RP District lot layout shall include at least three different lot sizes distributed throughout the district</li> <li>▪ Varied architectural design features (such as roofline articulation, color, and materials) and home placements shall be utilized to avoid appearance of a long row of identical homes.</li> <li>▪ 85% of all internal streets shall connect, all streets should be complete streets</li> <li>▪ There must be a pedestrian and bicycle connection throughout the district with connections provided to existing or future adjoining development</li> <li>▪ All streets sections shall include appropriate street trees, sidewalks and curb and gutter</li> <li>▪ Alternative storm water treatment methods are permitted and encouraged.</li> <li>▪ Houses shall have a distinct entry feature such as a porch or weather covered entryway</li> <li>▪ All structures should face the street, setbacks should be minimized, but set in proportion to lot size</li> </ul>	
<b>505.04. Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ accessory dwellings §701 on lots of no less than 20,000 sf only</li> <li>▪ public utility facility §729</li> </ul>	
<p><b>505.05. Area and Dimensional Requirements.</b> Internal stability, safety, attractiveness, order, and efficiency in the use of land shall be required through the provision of adequate light, air, and open space for dwellings and other facilities, and through consideration for the proper functional relationship of all dwellings, structures, and/or uses within the RP District. 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.</p>	
Minimum RP District Site	5 acres
For all residential uses	
General setback requirements	<ul style="list-style-type: none"> <li>▪ No building or structure shall be located closer than 25 feet from any boundary of the RP District</li> <li>▪ No building or structure in the RP District shall be located closer than 25 feet to an existing dedicated street right-of-way, except as otherwise provided in §505.08</li> </ul>

	<ul style="list-style-type: none"> <li>▪ No building or structure shall be located closer than 10 feet from a pre-existing private drive.</li> <li>▪ Parking areas for all attached and multi-family dwellings shall be located to the side or rear of the principal building(s) or otherwise behind the front building line. Such parking shall be prohibited within any required front setback.</li> </ul>
Frontage requirements	<ul style="list-style-type: none"> <li>▪ All buildings shall front on a public or private thoroughfare</li> </ul>
Minimum building separation	<ul style="list-style-type: none"> <li>▪ 20 ft front-to-back</li> <li>▪ 15 front-to-side</li> <li>▪ 30 ft front-to-front</li> <li>▪ 20 ft back-to-back</li> <li>▪ 20 ft side-to-back</li> <li>▪ 20 ft eave-to-eave (except for proposed attached housing)</li> <li>▪ 20 ft in any other configuration</li> </ul>
Fences and walls	3ft min. and 7 ft max., subject to §606
Buffers and Screening	See §604 and §605
<b>For permitted non-residential uses</b>	
Front Yard Setback	20 ft
Rear Yard setback	35 ft
Side Yard setback	10 ft
<b><u>Setback for Parking</u></b>	Parking areas shall be provided to the side or rear of the principal building or otherwise behind the front building line.
Fences and walls	3ft min. and 8 ft max.
Buffers and Screening	See §604 and §605
<b>For permitted accessory dwellings</b>	
Maximum floor area	50% of floor area of principal dwelling
Rear Yard setback	15 ft, or 5 ft for accessory dwellings above garages when accessible by an existing or proposed alley
Maximum density	1 accessory dwelling per principal dwelling in sewered areas only
Setback from principal dwelling	15 ft except where directly attached to the principal building
<b>Minimum Common Open Space, in accordance with §505.09</b>	
<ul style="list-style-type: none"> <li>▪ 1-99 dwelling units: 200 sf per dwelling unit</li> <li>▪ 100-499 dwelling units: 220 sf per dwelling unit</li> <li>▪ Over 500 dwelling units: 230 sf per dwelling unit</li> </ul> <p>The above ratios of dwelling units to minimum open space shall include all accessory dwellings.</p>	
<p>* Any undeveloped lots, existing at the time of adoption of this Ordinance, shall be subject to the lot sizes and setback requirements as set forth in the approved plat map. However, any subdivision of land taking place after adoption of this Ordinance shall be developed in accordance with the requirements of this Section.</p>	

**505.06. Pre-Application Conference.** Before filing any application for zoning as an RP District, the prospective applicant shall submit, to the Planning Commission RP Review Committee, plans, sketches and basic site

information for consideration and comments as to the proposed development's relation to the surrounding area and the general objectives regarding said area. These materials shall be submitted to the office of the City Manager at least 14 working days prior to the date set for the pre-application conference to allow adequate review time. Nothing in this section shall negate adherence to the City's Subdivision Regulations and/or Design and Construction Guidelines.

**505.07. Application for Approval of an RP District.** Only after the pre-application conference, shall a formal application for Rezoning to RP District be initiated. In addition to the information normally required for a Rezoning request, "Supplemental Materials" shall be required and submitted together with the request. Required "Supplemental Materials" is provided in §505.08. Exceptions. Exceptions may be made regarding the extent of the required "Supplemental Materials" as a part of an application for an RP District in cases where the subject property exceeds a total of 20 acres, or where the Planning Commission RP Review Committee determined at the pre-application conference that there are special, unique, or unusual circumstances that warrant such exceptions. In such cases, the applicant shall be permitted to submit required "Supplemental Materials" in phases as the project's planning and development progresses. However, such allowance shall in no way exempt the applicant from submitting all of the "Supplemental Materials". In cases where an allowance under this section is determined to apply, the following materials shall be considered sufficient for the filing of an application for rezoning to RP District:

A. Exceptions. Exceptions may be made regarding the extent of the required "Supplemental Materials" as part of an application for RP zoning in cases where the subject property exceeds a total of 20 acres, or where the Planning Commission determines at the pre-application conference that there are special, unique, or unusual circumstances that warrant such exceptions. In such cases, the applicant shall be permitted to submit required "Supplemental Materials" in phases as the project's planning and development progresses. However, such allowance shall in no way exempt the applicant from submitting all of the "Supplemental Materials". In cases where an allowance under this Section is determined to apply, the following materials shall be considered sufficient for the filing of an application for rezoning to RP District:

1. Written Documentation

- a) Items 1-5 specified in §505.08, subsection A of the "Supplemental Materials Required for Development of an RP District"
- b) Estimated percentages of acreage to be devoted to each land use type including any sub-categories within residential, commercial, institutional, recreational, etc.
- c) Any proposed deed restrictions, covenants, and organizational documents shall accompany the layout plan at the time of submittal. Submittal shall include articles of incorporation and bylaws creating a homeowner's or condominium association, as applicable, for residential subdivisions.
- d) If there is a homeowner's or condominium association, as applicable, representing residents of the development, then membership in the association shall be mandatory and automatic for all homeowners of the development and their successors. The association shall have lien authority to ensure the collection of dues from all members. There shall be only one homeowner's or condominium association for the development.

2. Preliminary Site Plan

- a) Items 1-6 specified in §505.07, subsection B of the "Supplemental Materials Required for Development of an RP District"
- b) General delineation of areas to be devoted to each land use type including any sub-categories within residential, commercial, institutional, recreational, etc.
- c) General layout of proposed thoroughfares
- d) General delineation of any phasing applicable to the request.

3. The Commission further reserves the right to request additional information, which said Commission deems reasonable and necessary for the adequate review and evaluation of the project at its various stages of development.

B. Action on Petition for RP Zoning. After presentation of the RP District Proposal to the Commission, said Commission may take action immediately or postpone action for no longer than 60 days to allow further

review of materials and request changes to the proposed development. In the event the Commission finds the proposal to be nonconforming to the intents and purpose of this ordinance, as well as in consideration of the best interests of the area affected and the city as a whole, the reasons for such determination shall be set forth as public record in said commission's recommendation for denial. Upon a recommendation for approval, all materials and plans and any modifications made thereto in the review and hearing processes, shall be considered binding on the subsequent development of the property while Zoned RP District.

**505.08. Materials Required for the Development of an RP District.** Listed below is the information required to proceed with the development of an RP District.

A. Written Documentation

1. Legal description of the total site, including statement of present and proposed ownership;
2. A statement of development objectives, including a description of the character of the proposed development, consistency with the Comprehensive Plan, and relationship to surrounding neighborhoods and other existing developments;
3. A development schedule indicating the approximate start date when construction can be expected to begin and be completed, and any applicable phasing of the construction;
4. A statement of the applicant's intentions with regard to future selling or leasing of all or portions of the development, including land areas, dwellings, etc.; and
5. Plan for or intended manner of permanent care and maintenance of open spaces, recreational areas, road rights-of-way, public utilities, etc.

B. Development Plan

1. Development name;
2. Legal title, quarter-quarter section(s), township, and range;
3. Scale, north arrow, and vicinity map;
4. Boundary survey and dimensions of property;
5. Delineation of all designated flood hazard areas, wetlands, and contiguous areas of 5,000 sf and greater with slopes greater than 20%;
6. Delineation of proposed land use areas;
7. Proposed Lot Lines and dimensions;
8. Number of all existing and proposed residential structures, including:
  - a) locations of different housing types,
  - b) building locations and orientations,
  - c) number of units and stories, floor-to-floor heights, and total heights per building, and
  - d) floor areas of dwelling units;
9. Number of all existing and proposed non-residential structures, including:
  - a) types of uses proposed,
  - b) building locations and orientations, and
  - c) number of stories, floor-to-floor heights, total heights per building, and all floor areas;
10. Location and size of all areas to be conveyed, dedicated, or reserved as common open space, public parks, recreational areas, and similar public and semi-public uses;
11. Location of utilities, above-ground utility structures, and easements;
12. Thoroughfare plan, including:
  - a) Location and dimension of thoroughfares, alleys, driveways, and access points,
  - b) Notations of proposed ownership of thoroughfares,
  - c) location, dimensions, and capacities of parking areas,
  - d) service and loading Zones, and
  - e) sidewalks, greenways, and other pedestrian and bicycle paths; and

13. Location and design for drainage and on-site treatment of stormwater, including:
    - a) curbs and gutters, inlets, culverts, and access to public storm sewer system;
    - b) drainage ways, vegetative swales;
    - c) detention and retention elements, and
  14. A general landscape plan indicating treatments and materials used for private and common open spaces and the landscape treatment of the perimeter of the development including materials and techniques to be used.
- C. Any additional information determined by the Code Enforcement Officer and/or City Engineer to be reasonable and necessary for evaluating the character and potential impact of the proposed development.

#### **505.09. Incentives for Planned Development Districts**

- A. Variable Dimensional Zoning Standards: Except as otherwise provided herein, standards for lot width, building height, floor area ratio, yard dimensions, off-street parking and loading, landscaping and screening, fences, signs, and other standards may vary from those established elsewhere in this ordinance if such variations are approved by the Planning Commission.
- B. Variable Subdivision Design Standards: Dimensional and design standards for subdivisions and subdivision improvements such as streets, blocks, sidewalks and parkways, but not improvement construction standards, may vary from those established in the City of Clay Subdivision Regulations.
- C. Mixed Land Uses: Land uses other than those allowed as Permitted or Supplemental Uses in the applicable base zoning districts may be permitted. In Residential Districts, no more than 10 percent of the net area of the development – excluding streets, retention and detention areas, and other public improvements – shall be devoted to business or commercial uses.
- D. The developer may submit plats in stages to the Planning and Zoning Commission if they are in substantial compliance with the approved plan.

**505.10. Common Open Space Requirements.** For all developments other than Conservation Subdivisions, a Common Open Space or network of such open spaces shall be provided; and the Common Open Space shall be protected in perpetuity by a binding legal document recorded with the deed as required in §3.04.03 of the Subdivision Regulations. Common Open Spaces shall be located and arranged on the site according to the following guidelines:

- A. No more than twenty-five (25%) percent of the required Common Open Space should be unbuildable, whether due to existing steep grades or other natural constraints or land disturbing activities. Common Open Space areas should be naturally of such condition or improved to a condition to be suitable for the passive recreational use of the residents, including such uses as trails, playgrounds, picnic areas, etc. This guideline should not be interpreted to require the removal of any existing trees or other natural vegetation from Common Open Space areas.
- B. Common Open Spaces should be located and distributed throughout the development to be accessible to the largest practicable number of lots. Non-adjointing lots should be provided safe, convenient access to the Open Space through trails, sidewalks or other pedestrian ways.
- C. Common Open Spaces should be located between the front, side, or rear of opposing blocks, clusters, or lots and should not be located along the perimeter of the site in such a manner as to be adjacent only to the rear of dwelling units.
  1. Where Common Open Spaces are located between the fronts of opposing dwellings, whether separated by a thoroughfare or not, the Commission may approve a reduction in the front yard setback of lots directly facing said Open Space. Except as may otherwise be approved for attached dwellings, this shall not allow a reduction of the front yard setback to less than ten (10) feet.
  2. Where Common Open Spaces are located between the rear lot lines of opposing dwellings, whether separated by an alley or not, the Commission may approve a reduction in the rear yard setback of such lots. Except as may otherwise be permitted for attached dwellings, this shall not allow a reduction of the rear yard setback to less than ten (10) feet.

**505.11. Failure to Begin Construction.** Construction of the approved development plan must begin within one year from the time of its final approval. If the development is to be constructed in stages, the construction of each stage shall begin within one year of the construction start times for each stage as described in the development schedule submitted as part of the requirements for the application. In all cases, progress towards completion of the development shall proceed in accordance with said development schedule; and failure to comply with this provision shall constitute a violation of the development plan, and the provisions and procedures of in §505.06, Subsection B shall apply accordingly.

**505.12. Conformance to the Approved Plan submitted for Approval of RP District**

A. To facilitate minor adjustments to the approved development plan as may be required by the City Engineer or other circumstances unforeseen at the time of RP District approval, the Code Enforcement Officer is authorized to approve alterations to the final development plan which, in said officer's estimation, are incidental in scope. Such modifications shall not allow increases in land use intensity or in development density. All other changes in the development plan shall be reviewed by the Commission, which shall determine the most appropriate course of action regarding said changes. The Code Enforcement Officer and the Commission reserve the right to require further review, hearings, or complete re-submission under the procedures applicable to the initial approval of the RP District zoning with regard to any changes that may substantially alter the proposal as originally approved.

B. Plan Violation. Any deviation from the development plan not approved in conformance with §505.11, Subsection A, shall constitute a violation of the approval establishing the RP District zoning and shall subject the applicant/developer to the procedures and penalties set forth in Article 11 of this ordinance.

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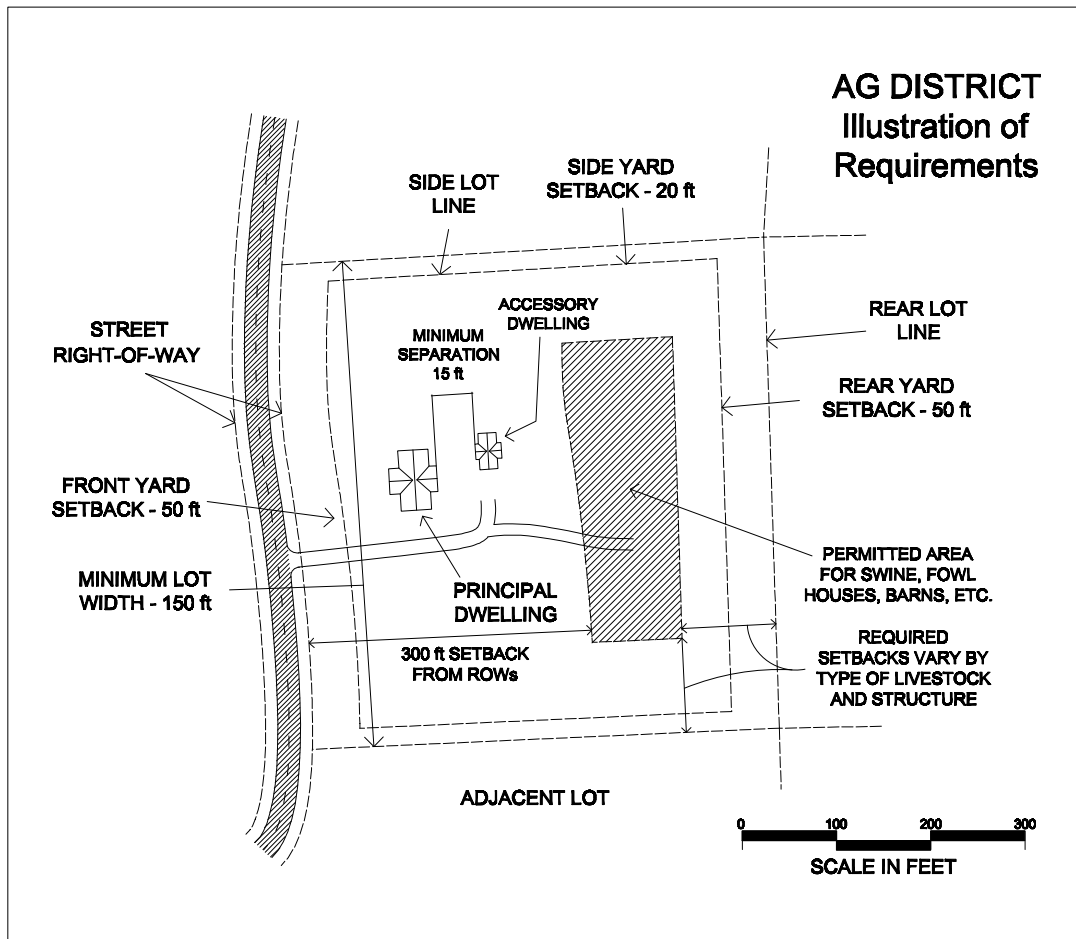


**Section 506: AG Agricultural Zone. (See Amendment Ordinance 2008-12)** A district intended for larger lot or land areas on which the primary use is of an agricultural nature and ordinarily for the purpose of generating profit.

<b>506.01. Permitted Uses.</b>	
<ul style="list-style-type: none"> <li>▪ single-family dwellings (Site built)</li> <li>▪ customary accessory buildings or structures in accordance with Article 6</li> <li>▪ farm support businesses</li> </ul>	<ul style="list-style-type: none"> <li>▪ apiaries and aviaries</li> <li>▪ greenhouses and nurseries (wholesale only)</li> <li>▪ dog kennels with outside runs</li> </ul>
<b>506.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ agricultural uses §702</li> <li>▪ minor home occupations §709</li> </ul>	<ul style="list-style-type: none"> <li>▪ temporary outdoor sales §722</li> </ul>
<b>506.03. Special Exception Uses (See Amendment Ordinance 2008-07)</b>	
<ul style="list-style-type: none"> <li>▪ manufactured homes</li> <li>▪ accessory dwellings §701</li> <li>▪ bed and breakfasts §705</li> <li>▪ major home occupations §709</li> </ul>	<ul style="list-style-type: none"> <li>▪ kennels (excluding animal shelters) §711</li> <li>▪ telecommunications towers §718</li> <li>▪ public utility facility §729</li> <li>▪ wedding chapel</li> </ul>
<b>506.04. Area and Dimensional Requirements. (See Amendment Ordinance 2008-12)</b> 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	2 stories
Minimum floor area (residence)	600 sf
Minimum lot size	2 acres
Minimum lot width	150 ft
Maximum lot coverage (Impervious surfaces)	30%
Min. Front Yard setback	50 ft
Min. Rear Yard setback	50 ft
Min. Side Yard setback	20 ft
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 7 ft max., subject to §606
Buffers and Screening	See §604 and §605

**506.05. Requirements for Keeping of Livestock.** Refer also to §702.

- A. Minimum setback of agricultural structures shall be:
  - Livestock barns – 50 ft from adjoining Lot Lines, 100 ft from nearest thoroughfare rights-of-way, 100 ft to the nearest existing residence on any adjoining property
  - Fowl houses - 100 ft from adjoining Lot Lines, 300 ft from nearest thoroughfare rights-of-way, 300 ft to the nearest existing residence on any adjoining property
- B. Swine shall not be housed, fed, and/or watered within 100 ft of any adjoining Lot Lines or within 300 ft of any thoroughfare or street right-of-way.



**Section 507: NC Neighborhood Center Commercial Zone.** A district intended for limited, small-scale commercial businesses and offices that, by the nature of such operations, are compatible with and serve the daily needs of surrounding neighborhoods and that provide convenient access for pedestrians and bicyclists.

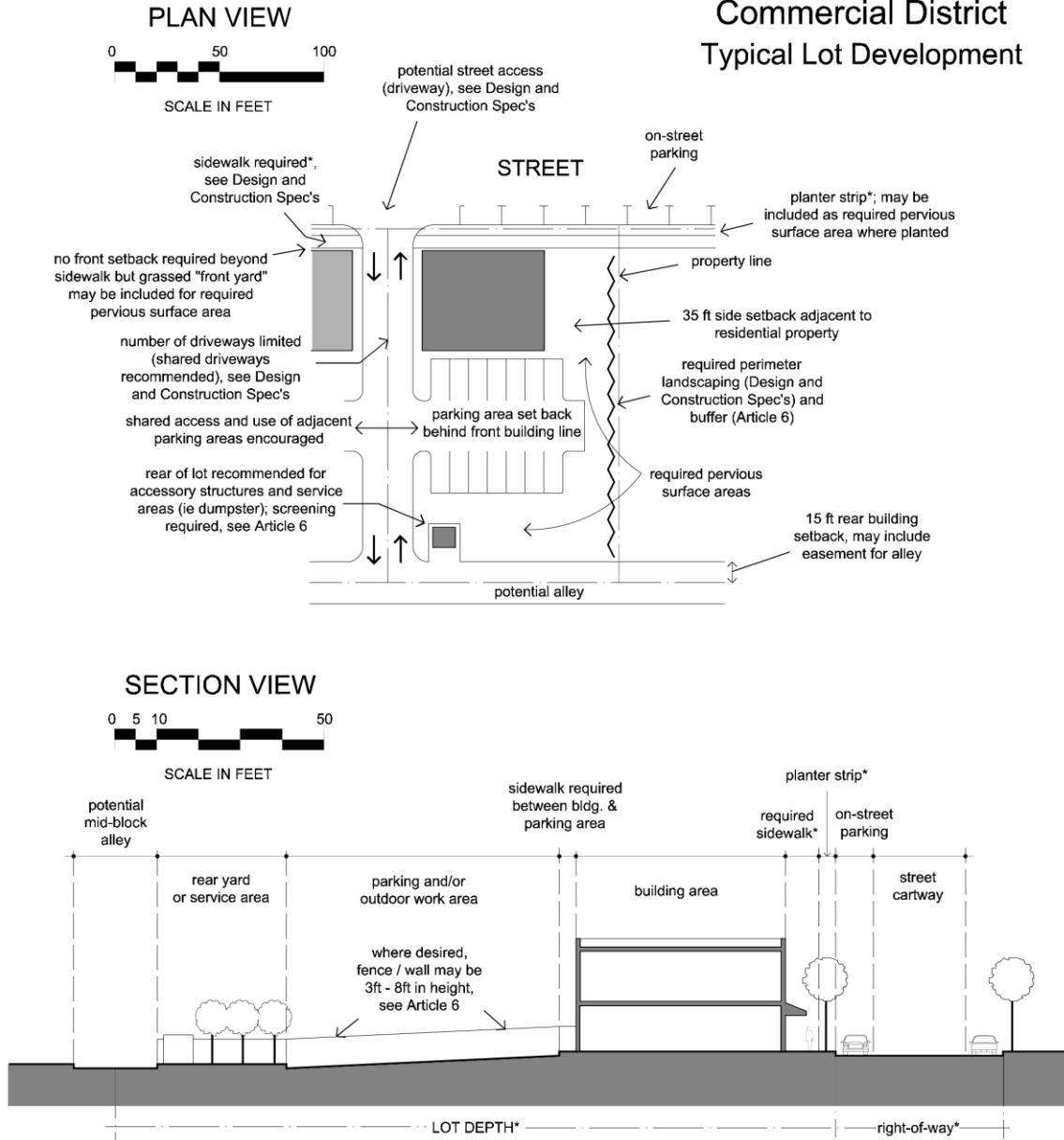
<b>507.01. Permitted Uses</b>	
<b>507.01.A</b> The following uses shall be permitted provided that the Gross Floor Area of each use/tenant does not exceed 3,000 square feet:	
<ul style="list-style-type: none"> <li>▪ artist's studio</li> <li>▪ barber / beauty shops and salon/day spas</li> <li>▪ convenience stores (with no gas pumps or automotive repair services)</li> <li>▪ drug stores</li> <li>▪ florist, gift, and other specialty shops</li> </ul>	<ul style="list-style-type: none"> <li>▪ ice cream / soda parlors, coffee shops</li> <li>▪ laundromat</li> <li>▪ markets and delicatessens</li> <li>▪ parks and playgrounds</li> <li>▪ shoe repair and alterations shops</li> <li>▪ single family dwelling (site-built)</li> </ul>
<b>507.01.B</b> The following uses shall be permitted provided that the Gross Floor Area of each use/tenant does not exceed 5,000 square feet:	
<ul style="list-style-type: none"> <li>▪ business offices (accountant, realtor, etc.)</li> <li>▪ private training schools (music, dance, business, vocational, etc.)</li> </ul>	<ul style="list-style-type: none"> <li>▪ professional offices (doctor, dentist, lawyer, etc.)</li> </ul>
<b>507.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ ATMs §704</li> <li>▪ daycare facilities §708</li> <li>▪ kennels (but excluding animal shelters) §711</li> <li>▪ pub restaurants §720</li> </ul>	<ul style="list-style-type: none"> <li>▪ temporary outdoor sales §722</li> <li>▪ upper-story dwelling §726</li> <li>▪ wireless communication services §730</li> </ul>
<b>507.03. Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ bed and breakfasts §705</li> <li>▪ Boarding houses §706</li> </ul>	<ul style="list-style-type: none"> <li>▪ group homes §719</li> <li>▪ public utility facility §729</li> </ul>
<b>507.04. Area and Dimensional Requirements.</b> 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	2 stories
Maximum lot coverage (Impervious surfaces)	80%
Min. Front Yard setback	no setback required except as necessary to provide sidewalks and planter strips (Refer to Design and Construction Specifications)
Min. Rear Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ 15 feet where adjoined by a non-Residential Zone</li> </ul>
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ no setback required where adjoined by a non-Residential Zone*</li> </ul>
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers and Screening	subject to §604 and §605
<b>For permitted residential uses</b>	
Minimum Gross Floor Area per unit	600 sf
Maximum Density	8 units per acre

\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**507.05. Additional Requirements (See Amendment Ordinance 2007-12).**

- A. No drive-through windows shall be permitted.
- 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 shall be provided to the rear of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §805.
- D. Outdoor seating areas may be permitted forward of the building line provided a continuous, unobstructed path of no less than five feet is maintained along the sidewalk fronting on the property.

**NC : Neighborhood Center  
Commercial 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 508: TC Town Center Commercial Zone.** A district intended for a mix and density of uses appropriate to the development of an active, sustainable, centralized town center area with balanced accessibility for motorists, pedestrians, and bicyclists.

<b>508.01. Permitted Uses.</b> All uses permitted by right in NC Zones, but with no limitations on Gross Floor Area of individual uses except as provided within this Section, and the uses listed below:	
<ul style="list-style-type: none"> <li>▪ bakeries</li> <li>▪ banks and financial institutions</li> <li>▪ bus stations</li> <li>▪ cafes and restaurants (not serving alcoholic beverages for on-premise consumption)</li> <li>▪ clinics and similar health-care facilities</li> <li>▪ hotels</li> <li>▪ laundries and dry cleaning pick-up stations</li> </ul>	<ul style="list-style-type: none"> <li>▪ private clubs/lodge halls</li> <li>▪ retail and service establishments</li> <li>▪ sales of alcoholic beverages for off-premise consumption only</li> <li>▪ low and medium intensity institutional uses</li> <li>▪ radio stations (excluding towers)</li> <li>▪ public assembly halls</li> <li>▪ parks and playgrounds</li> <li>▪ libraries and reading rooms</li> </ul>
<ul style="list-style-type: none"> <li>▪ garden shops and nurseries, farmer's market</li> <li>▪ printing, reprographic, and publishing businesses</li> <li>▪ indoor entertainment</li> <li>▪ funeral homes</li> <li>▪ salon/day spas</li> <li>▪ museums</li> <li>▪ commercial gym</li> </ul>	
<b>508.02. Uses Permitted Subject to Supplemental Use Regulations.</b>	
<ul style="list-style-type: none"> <li>▪ ATMs §704</li> <li>▪ daycare facilities §708</li> <li>▪ pub restaurants §720</li> </ul>	<ul style="list-style-type: none"> <li>▪ veterinary clinics (with no outside runs) §721</li> <li>▪ temporary outdoor sales §722</li> <li>▪ upper story dwellings §726</li> <li>▪ wireless communication services §730</li> </ul>
<b>508.03. Special Exception Uses.</b>	
<ul style="list-style-type: none"> <li>▪ public utility facility §729</li> </ul>	<ul style="list-style-type: none"> <li>▪ gasoline and service stations</li> </ul>
<b>508.04. Area and Dimensional Requirements.</b> 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)	85%
Min. Front Yard setback	no setback required except as necessary to provide sidewalks and planter strips (Refer to Design and Construction Specifications)
Min. Rear Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ 15 feet where adjoined by a non-Residential Zone</li> </ul>
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ no setback required where adjoined by a non-Residential Zone*</li> </ul>
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605
<b>For permitted residential uses</b>	
Minimum Gross Floor Area per unit	600 sf
Maximum Density	10 units per acre

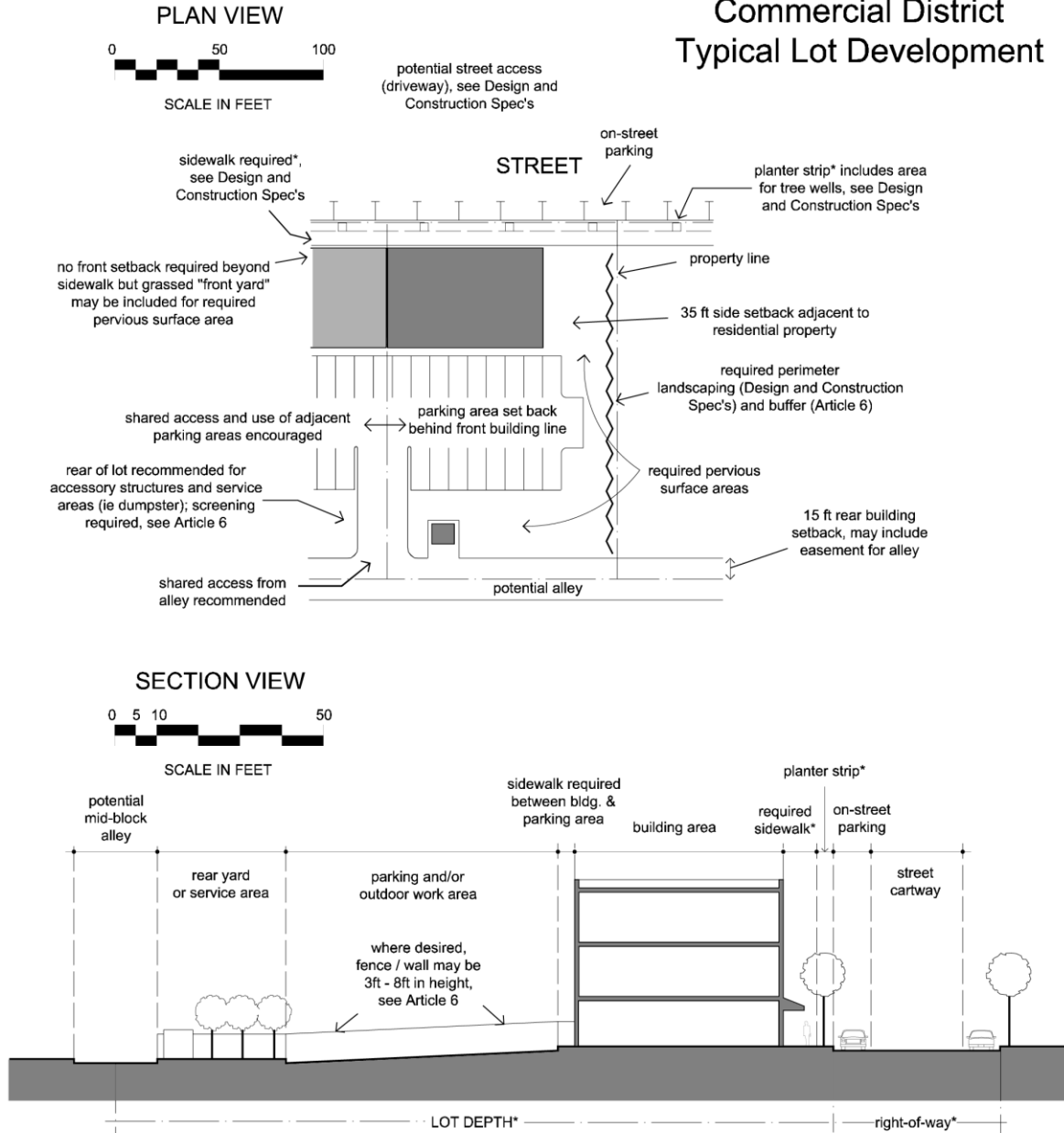
\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**508.05. Additional Requirements. (See Amendment Ordinance 2007-12)**

- A. No establishment offering the sales of alcoholic beverages shall be permitted within 500 feet of any church, school, public park or playground, as measured from the nearest Lot Line of the establishment to the nearest Lot Line of the institutional Zone, institution, park or playground as applicable.

- B. No open or outdoor storage or repair areas of any kind shall be permitted except storage involving finished goods or items sold on-site at retail. Such storage shall not include heavy equipment or bulk materials and shall only be permitted behind the front building line. 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.
- C. Parking shall be provided to the rear of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §805.
- D. Outdoor seating areas may be permitted forward of the building line provided a continuous, unobstructed path of no less than five feet is maintained along the sidewalk fronting on the property.

## TC: Town Center Commercial 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 509 (See Amendment Ordinances 2011-04, 2013-08): HC Highway Commercial Zone.** A district intended for automotive-related businesses and businesses offering retail and services catering to the needs of, and in locations convenient to, commuters and long-distance travelers.

<b>509.01. Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ bakeries</li> <li>▪ banks and financial institutions</li> <li>▪ bus stations</li> <li>▪ cafes and restaurants (not serving alcoholic beverages for on-premise consumption)</li> <li>▪ laundries and dry cleaning pick-up stations</li> <li>▪ motels</li> <li>▪ radio stations (excluding towers)</li> <li>▪ retail and service establishments</li> </ul>	<ul style="list-style-type: none"> <li>▪ sales of alcoholic beverages for off-premise consumption only</li> <li>▪ automotive sales and rental</li> <li>▪ gasoline and service stations</li> <li>▪ automotive repair service</li> <li>▪ park and ride lot</li> <li>▪ boat or recreational vehicle sales and rental</li> <li>▪ car wash</li> <li>▪ flea market</li> </ul>
<b>509.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ ATMs §704</li> <li>▪ mini-warehouses §716</li> <li>▪ pub restaurants §720</li> </ul>	<ul style="list-style-type: none"> <li>▪ veterinary clinics and hospitals §721</li> <li>▪ temporary outdoor sales §722</li> <li>▪ wireless communication services §730</li> </ul>
<b>509.03. Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ manufactured home sales</li> <li>▪ heavy equipment sales or rental</li> <li>▪ major vehicle sales or rental</li> </ul>	<ul style="list-style-type: none"> <li>▪ truck stop or terminal</li> <li>▪ drive-in theater</li> <li>▪ public utility facility §729</li> </ul>
<b>509.04. Area and Dimensional Requirements.</b> 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	2 stories
Maximum lot coverage (Impervious surfaces)	80%
Min. Front Yard setback	no setback required except as necessary to provide sidewalks and planter strips (Refer to City of Clay Design and Construction Specifications)
Min. Rear Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ 15 feet where adjoined by a non-Residential Zone</li> </ul>
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ no setback required where adjoined by a non-Residential Zone*</li> </ul>
Min. Setback between structures on same lot	15 ft
Fences and walls	3 ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605

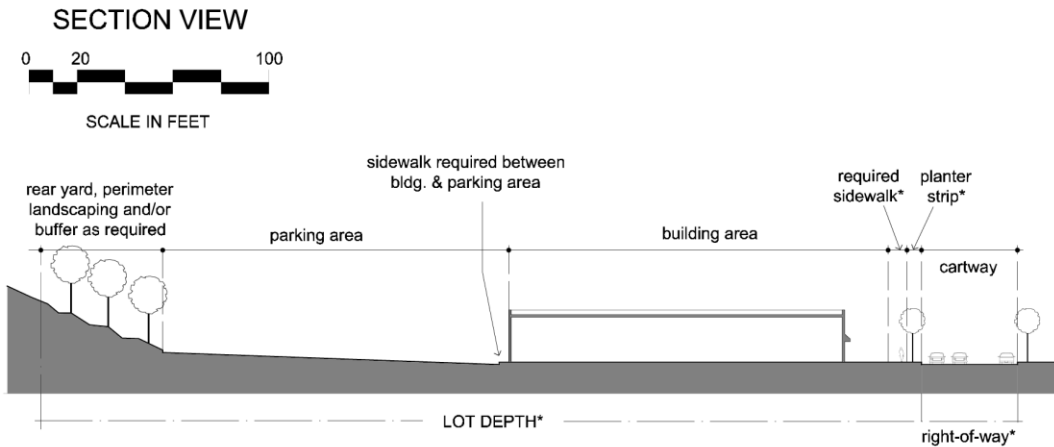
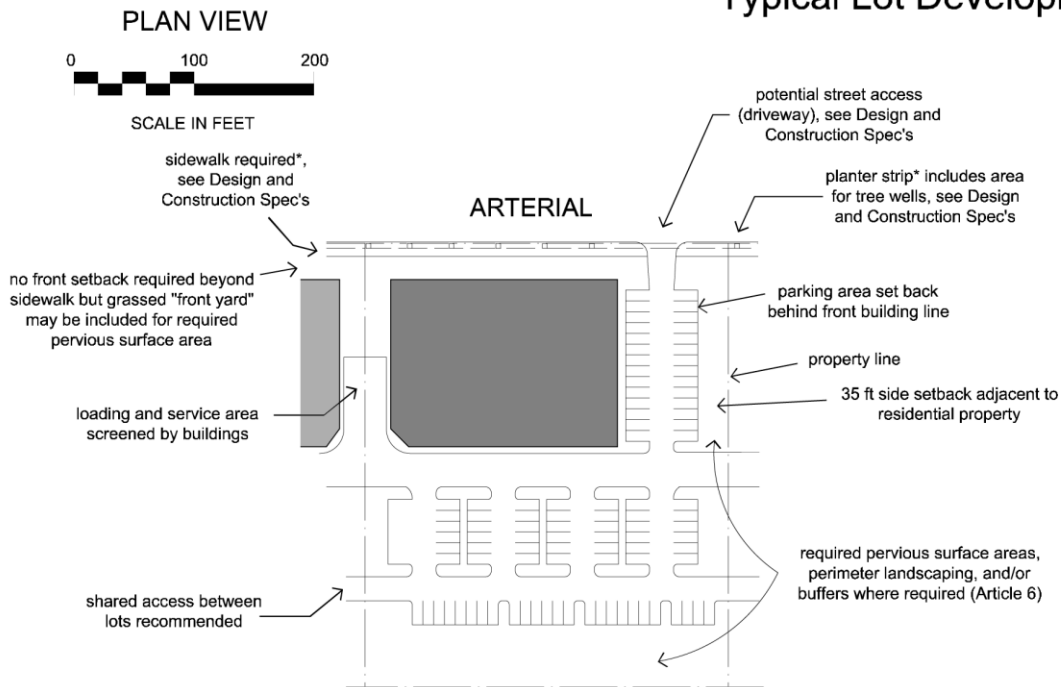
\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**509.05. Additional Requirements.**

- A. No establishment offering the sales of alcoholic beverages shall be permitted within 500 feet of any church, school, public park or playground, as measured from the nearest Lot Line of the establishment to the nearest district line of an institutional Zone or the nearest Lot Line of an institution, park or playground as applicable.
- B. No open or outdoor storage of any kind shall be permitted except storage involving finished goods or items sold on-site at retail. Such storage shall not include heavy equipment (except as specifically

- permitted under a Special Exception) or bulk materials and shall only be permitted behind the front building line. 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.
- C. Parking shall be provided to the rear of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §805.
- D. Outdoor seating areas may be permitted forward of the building line provided a continuous, unobstructed path of no less than five feet is maintained along the sidewalk fronting on the property.

## HC: Highway Commercial 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 510: SC Special Commercial Zone.** A district intended to provide for more specialized or less common types of retail businesses or establishments, for businesses offering age-restricted products or services, and otherwise for commercial uses determined to be inappropriate, unacceptable or not otherwise permitted in any other commercial district.

<b>510.01. Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ age-restrictive uses, including bars, taverns, and night clubs</li> <li>▪ palm-reading / fortune-telling</li> </ul>	
<b>510.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ ATMs §704</li> <li>▪ pub restaurants §720</li> <li>▪ veterinary clinics and hospitals §721</li> <li>▪ temporary outdoor sales §722</li> <li>▪ camper parks §723</li> <li>▪ wireless communication services §730</li> </ul>	
<b>510.03. Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ commercial uses not permitted in any other Zone</li> <li>▪ public utility facility §729</li> </ul>	
<b>510.04. Area and Dimensional Requirements.</b> 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	2 stories
Maximum lot coverage (Impervious surfaces)	80%
Min. Front Yard setback	no setback required except as necessary to provide sidewalks and planter strips (Refer to City of Clay Design and Construction Specifications)
Min. Rear Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ 15 feet where adjoined by a non-Residential Zone</li> </ul>
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ no setback required where adjoined by a non-Residential Zone*</li> </ul>
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605

\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

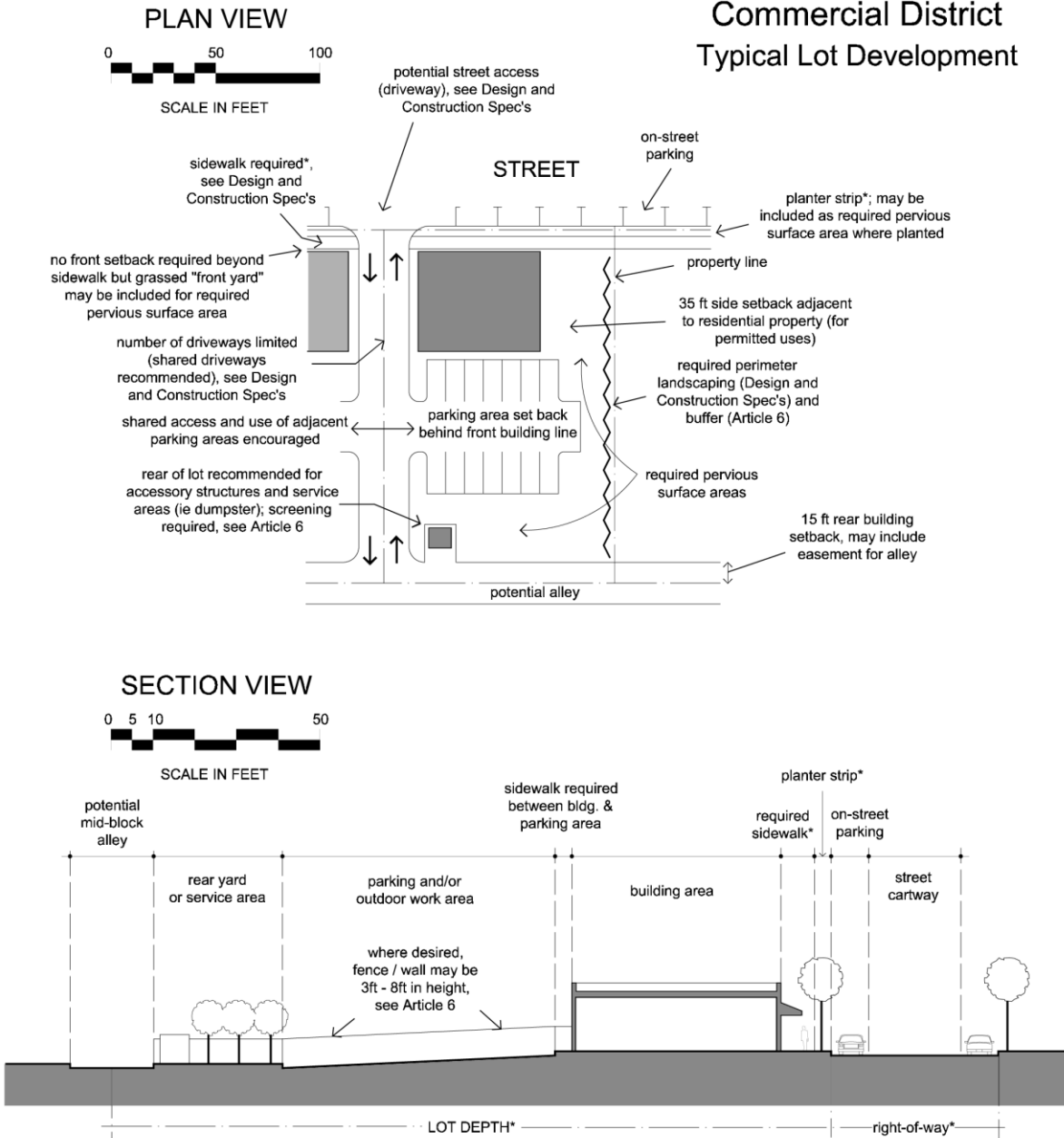
**510.05. Additional Requirements (See Amendment Ordinance 2007-12).**

- A. No age-restrictive use and no establishment offering the sales of alcoholic beverages shall be permitted within 1,000 feet of any church, school, public park, playground, or Residential Zone as measured from the nearest Lot Line of the establishment to the nearest boundary line of the applicable Institutional or Residential Zone or the nearest Lot Line of an institution, park or playground as otherwise applicable.
- 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 located behind the front building line and screened from public view in accordance with the provisions of §605.
- C. Parking shall be provided to the rear of the principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §807.
- D. All signs and/or exterior displays of any kind that may be visible from any public thoroughfare or pedestrian way shall be limited to words, phrases or numbers, and shall not include live, animated or pictorial displays, or any material depicting, describing or relating to Specified Sexual Activities or

Specified Anatomical Areas. This shall apply to any display, decoration, sign, show window or other openings.

- E. There shall be no visible exposure to the general public of any activities involving Specified Sexual Activities or Specified Anatomical Areas taking place within an Age-Restrictive Establishment. All doors or windows through which exposure of such activities may occur shall be internally covered by curtains, blinds or similar method **or** such activities shall be screened from outside view by interior walls or screens of a height and opacity to thoroughly block such activities from view. Windows and doors shall not be blacked out by painting of the glass surface nor covered, internally or externally, in any manner not approved by the Fire Department.

### SC: Special Commercial 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 511: NI Neighborhood Institutional Zone.** A district providing for the development of land for non-profit and semi-public uses, services and other similar institutional facilities or functions that are generally considered acceptable and reasonably compatible in predominantly residential areas.

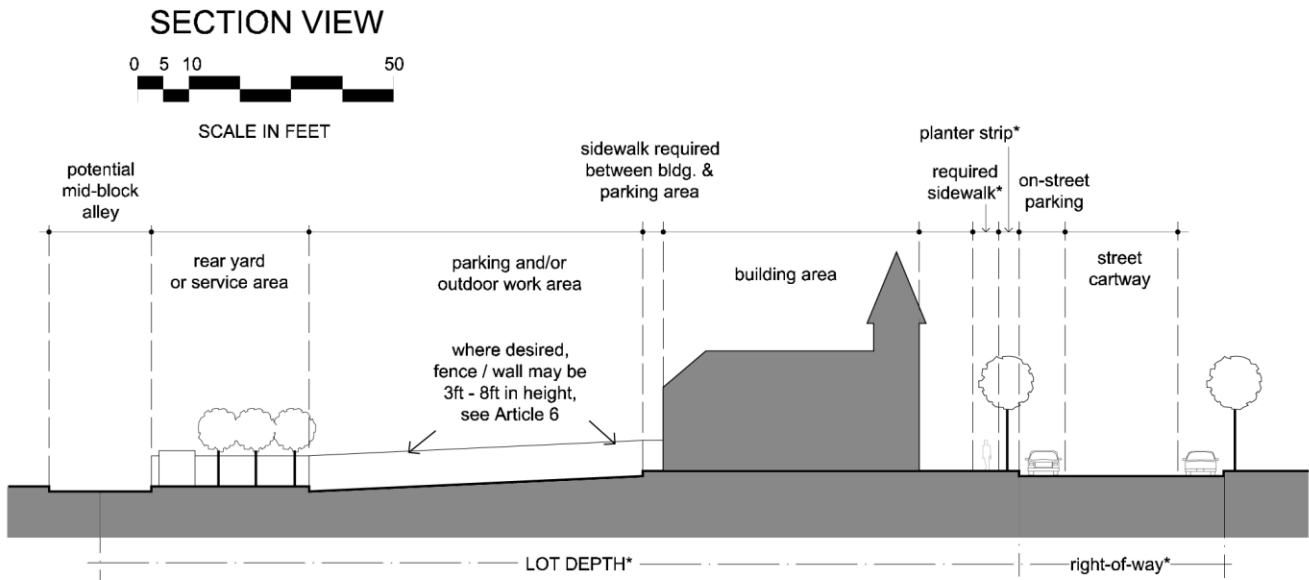
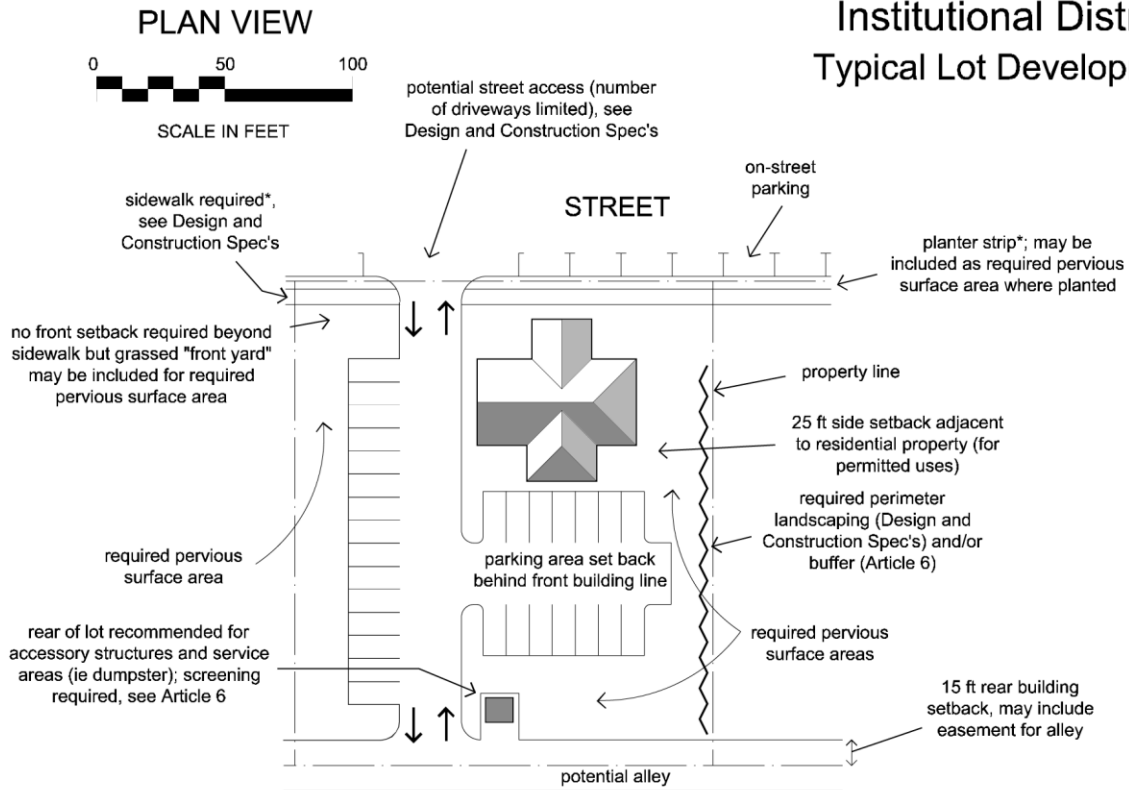
<b>511.01. Permitted Uses</b>	
<ul style="list-style-type: none"> <li>▪ places of worship, with no more than 500 seats in the main sanctuary</li> <li>▪ libraries</li> <li>▪ elementary, middle and high schools</li> </ul>	<ul style="list-style-type: none"> <li>▪ lodges, fraternal and social/youth organizations and other non-profit membership clubs</li> <li>▪ public parks and playgrounds</li> <li>▪ other low-intensity institutional uses</li> </ul>
<b>511.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ cemeteries, adjoining a place of worship only §707</li> <li>▪ Day Care Centers §708</li> <li>▪ temporary outdoor sales §722</li> </ul>	<ul style="list-style-type: none"> <li>▪ assisted living facilities §724</li> <li>▪ independent living facilities §725</li> </ul>
<b>511.03. Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ public utility facility §729</li> </ul>	
<b>511.04. Area and Dimensional Requirements.</b> 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	2 stories
Maximum lot coverage (Impervious surfaces)	60%
Min. Front Yard setback	<ul style="list-style-type: none"> <li>▪ 25 feet where adjoined by a Residential Zone</li> <li>▪ no setback required, in other cases, except as necessary to provide sidewalks and planter strips (Refer to City of Clay Design and Construction Specifications)</li> </ul>
Min. Rear Yard setback	<ul style="list-style-type: none"> <li>▪ 25 feet where adjoined by a Residential Zone</li> <li>▪ 15 feet where adjoined by a non-Residential Zone</li> </ul>
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ 25 feet where adjoined by a Residential Zone</li> <li>▪ no setback required where adjoined by a non-Residential Zone*</li> </ul>
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605

\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**511.05. Additional Requirements.**

- A. No open or outdoor storage areas of any kind shall be permitted. 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 principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §805.

# NI : Neighborhood Institutional 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 512: CI Community Institutional Zone.** A district providing for the development of land for non-profit, public and semi-public uses, services and other similar institutional facilities or functions that are generally considered to be more intense and accordingly less compatible in predominantly residential areas.

<b>512.01. Permitted Uses</b>	
All uses permitted by right in NI Zones, but with no limitations on Gross Floor Area of individual uses except as provided within this Section, and the uses listed below:	
<ul style="list-style-type: none"> <li>▪ places of worship</li> <li>▪ community centers and other public service facilities</li> <li>▪ post offices</li> <li>▪ fire stations</li> <li>▪ museums</li> <li>▪ elementary, middle and high schools</li> <li>▪ hospitals</li> </ul>	<ul style="list-style-type: none"> <li>▪ lodges, fraternal and social/youth organizations and other non-profit membership clubs</li> <li>▪ municipal government buildings</li> <li>▪ public parks and playgrounds</li> <li>▪ stadiums and places of assembly operated by non-profit organizations or public agencies</li> <li>▪ other low and medium-intensity institutional uses</li> </ul>
<b>512.02. Uses Permitted Subject to Supplemental Use Regulations</b>	
<ul style="list-style-type: none"> <li>▪ cemeteries §707</li> <li>▪ day care centers §708</li> <li>▪ assisted living facilities §724</li> </ul>	<ul style="list-style-type: none"> <li>▪ temporary outdoor sales §722</li> <li>▪ independent living facilities §725</li> </ul>
<b>512.03. Special Exception Uses</b>	
<ul style="list-style-type: none"> <li>▪ high-intensity institutional uses, not listed in §512.01</li> <li>▪ public utility facility §729</li> </ul>	
<b>912.04. Area and Dimensional Requirements.</b> 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)	75%
Min. Front Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ no setback required, in other cases, except as necessary to provide sidewalks and planter strips (Refer to City of Clay Design and Construction Specifications)</li> </ul>
Min. Rear Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ 15 feet where adjoined by a non-Residential Zone</li> </ul>
Min. Side Yard setback	<ul style="list-style-type: none"> <li>▪ 35 feet where adjoined by a Residential Zone</li> <li>▪ no setback required where adjoined by a non-Residential Zone*</li> </ul>
Min. Setback between structures on same lot	15 ft
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605

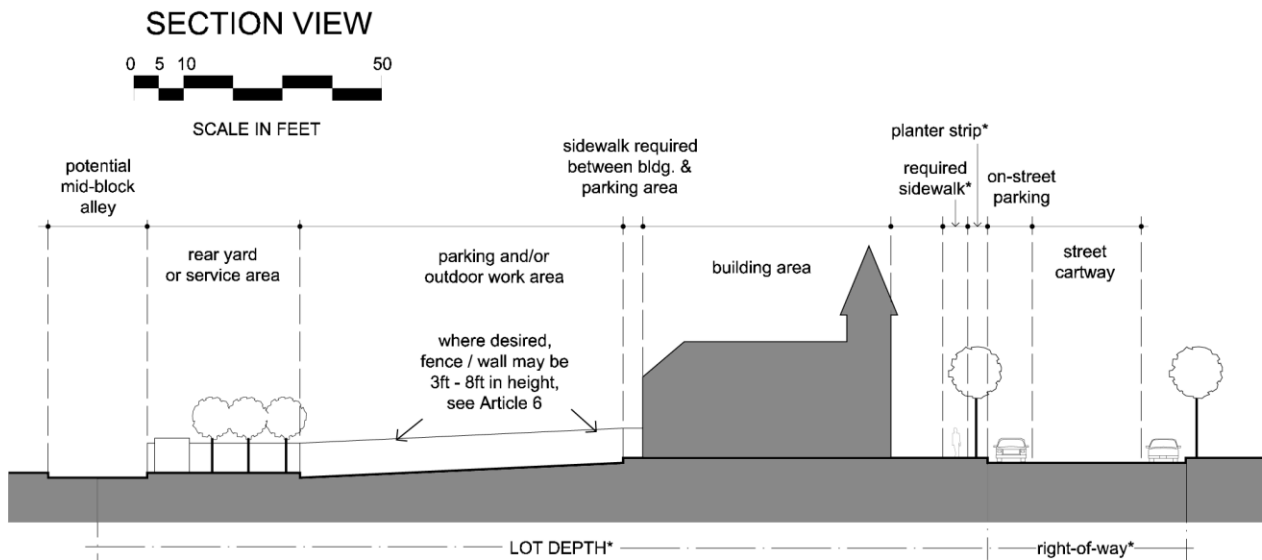
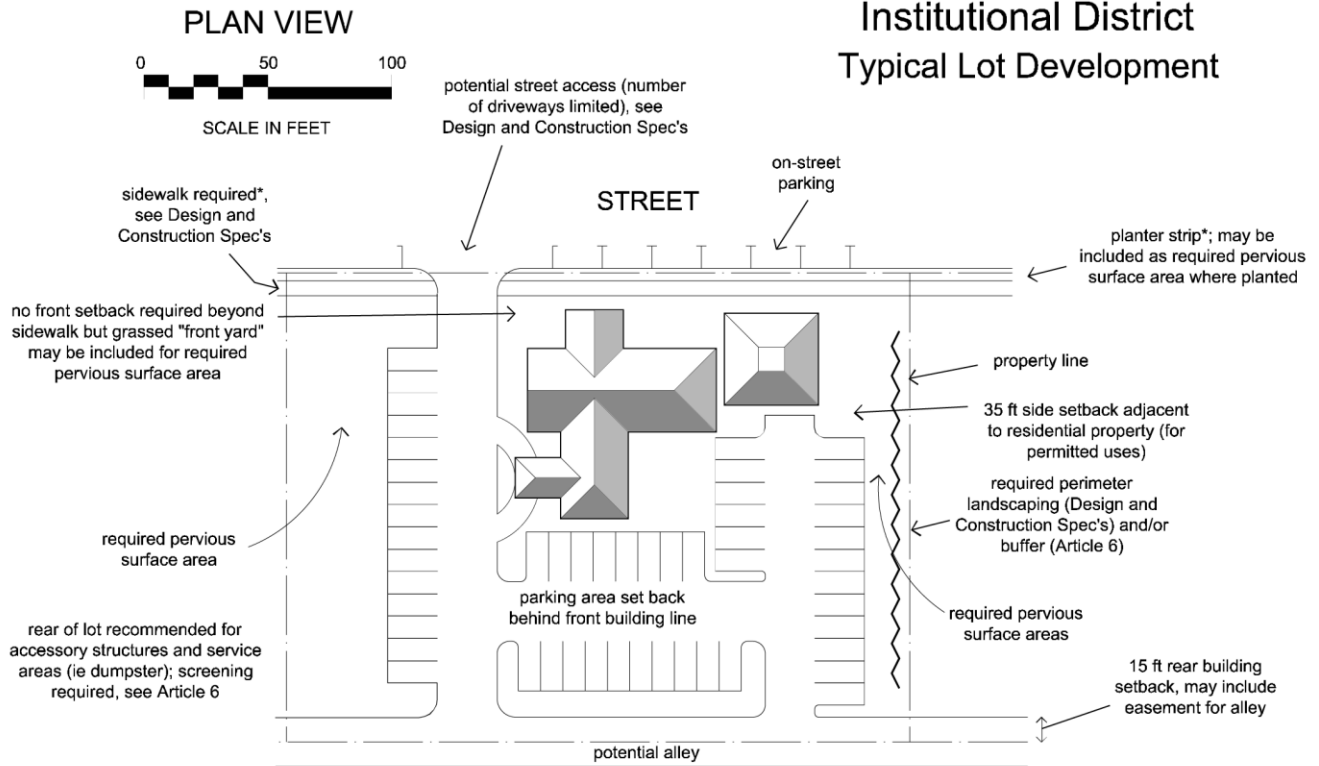
\* Structure shall be designed for party-wall construction or a minimum of 10 ft side setback shall be required.

**512.05. Additional Requirements.**

- A. Open and outdoor storage areas shall not include heavy equipment or bulk materials and shall only be permitted behind the front building line. 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 principal building or otherwise behind the front building line. Parking areas in existence at the time of adoption of this requirement shall be exempt from this requirement in accordance with §805.

## CI : Community Institutional 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.

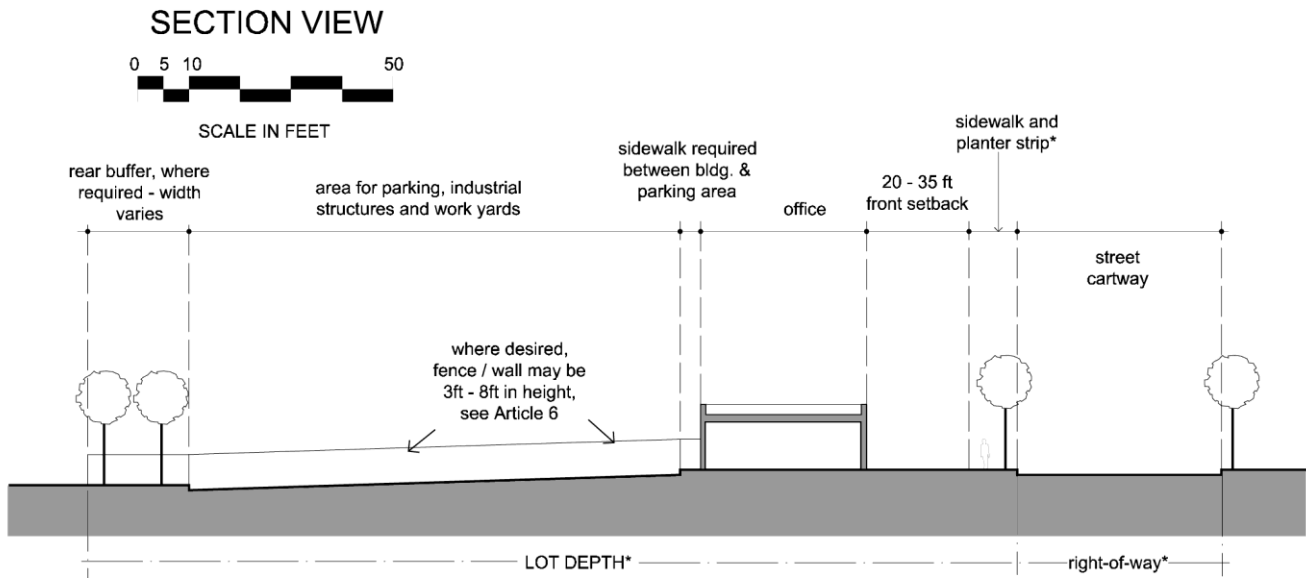
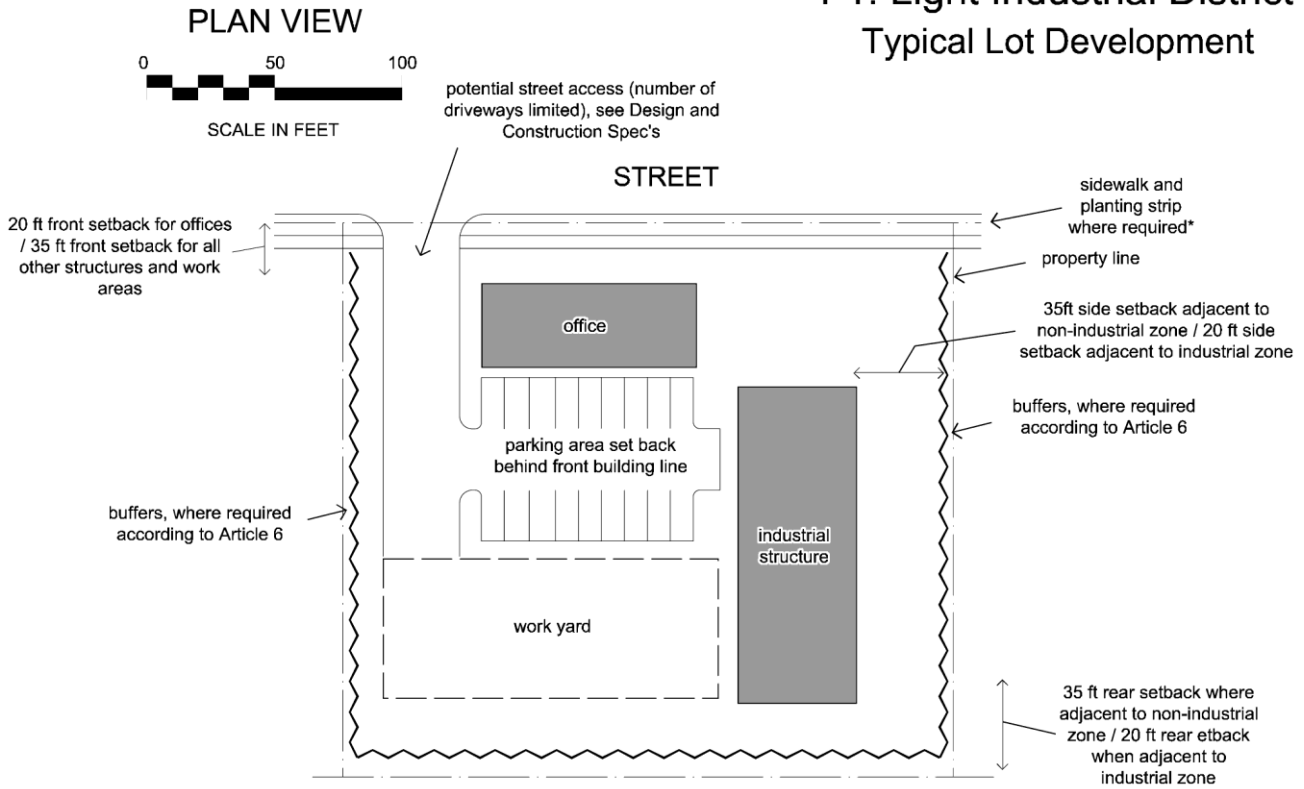
**Section 513: I-1 Light Industrial Zone.** A district providing for industrial uses that are determined to be least offensive or detrimental to adjoining properties in terms of health, safety, comfort, aesthetics, the general welfare of, and overall compatibility with, the surrounding area.

<p><b>513.01. Uses Permitted Subject to Supplemental Use Regulations.</b> All of the following uses shall be subject to the provisions of §710 Industrial Uses, except as otherwise noted.</p>	
<ul style="list-style-type: none"> <li>▪ fabricating, processing, assembling and manufacturing uses excepting 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</li> <li>▪ bottling and distribution plants</li> <li>▪ contractor and building material yards</li> <li>▪ 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</li> <li>▪ laundry and dry-cleaning plants</li> <li>▪ research labs</li> </ul>	<ul style="list-style-type: none"> <li>▪ automobile repair services, major and minor</li> <li>▪ vehicle and equipment repair, major</li> <li>▪ vehicle and equipment sales, major</li> <li>▪ truck or bus terminal facilities</li> <li>▪ 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</li> <li>▪ animal shelters §710</li> <li>▪ mini-warehouses, mini-storage §716</li> <li>▪ temporary outdoor sales §722</li> <li>▪ wireless communication services §730</li> </ul>
<p><b>513.02. Special Exception Uses.</b></p>	
<ul style="list-style-type: none"> <li>▪ telecommunications towers §718</li> </ul>	<ul style="list-style-type: none"> <li>▪ public utility facility §729</li> </ul>
<p><b>513.03. Area and Dimensional Requirements.</b> 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.</p>	
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"> <li>▪ 20 feet for office / administrative buildings only</li> <li>▪ 35 feet for all other structures and work yards</li> </ul>
Min. Rear Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> <li>▪ 35 feet when adjoining or abutting a non-industrial Zone</li> <li>▪ 20 feet when adjoining or abutting an industrial Zone</li> </ul>
Min. Side Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> <li>▪ 20 feet for office / administrative buildings only</li> <li>▪ 35 feet when adjoining or abutting a non-industrial Zone</li> <li>▪ 20 feet when adjoining or abutting an industrial Zone</li> </ul>
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.

# 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.



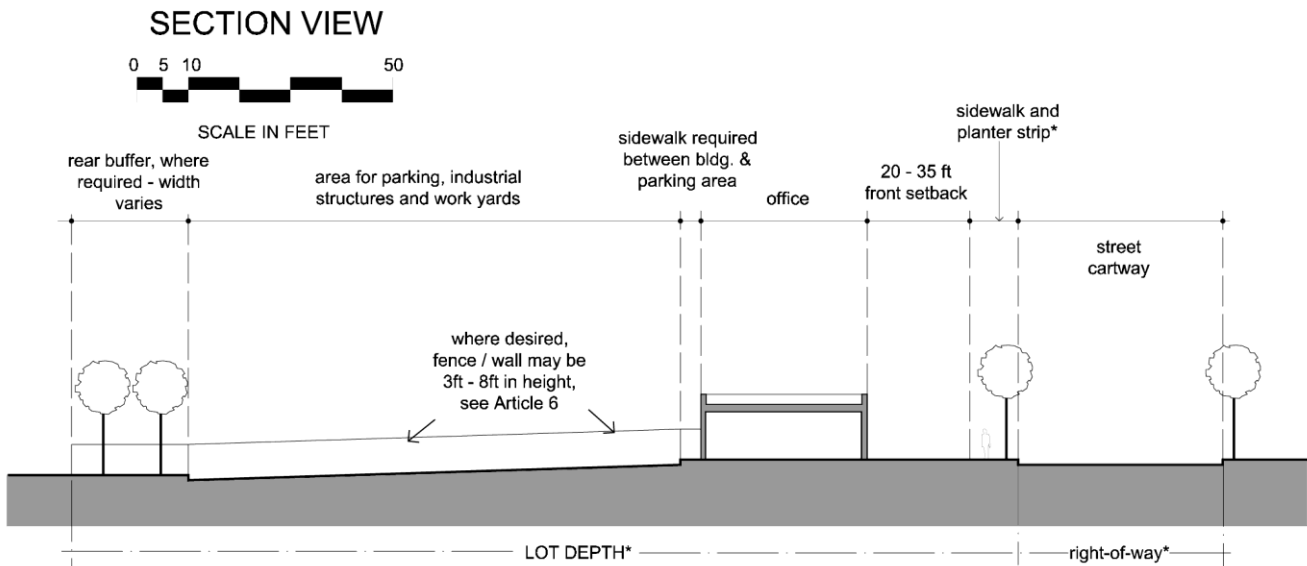
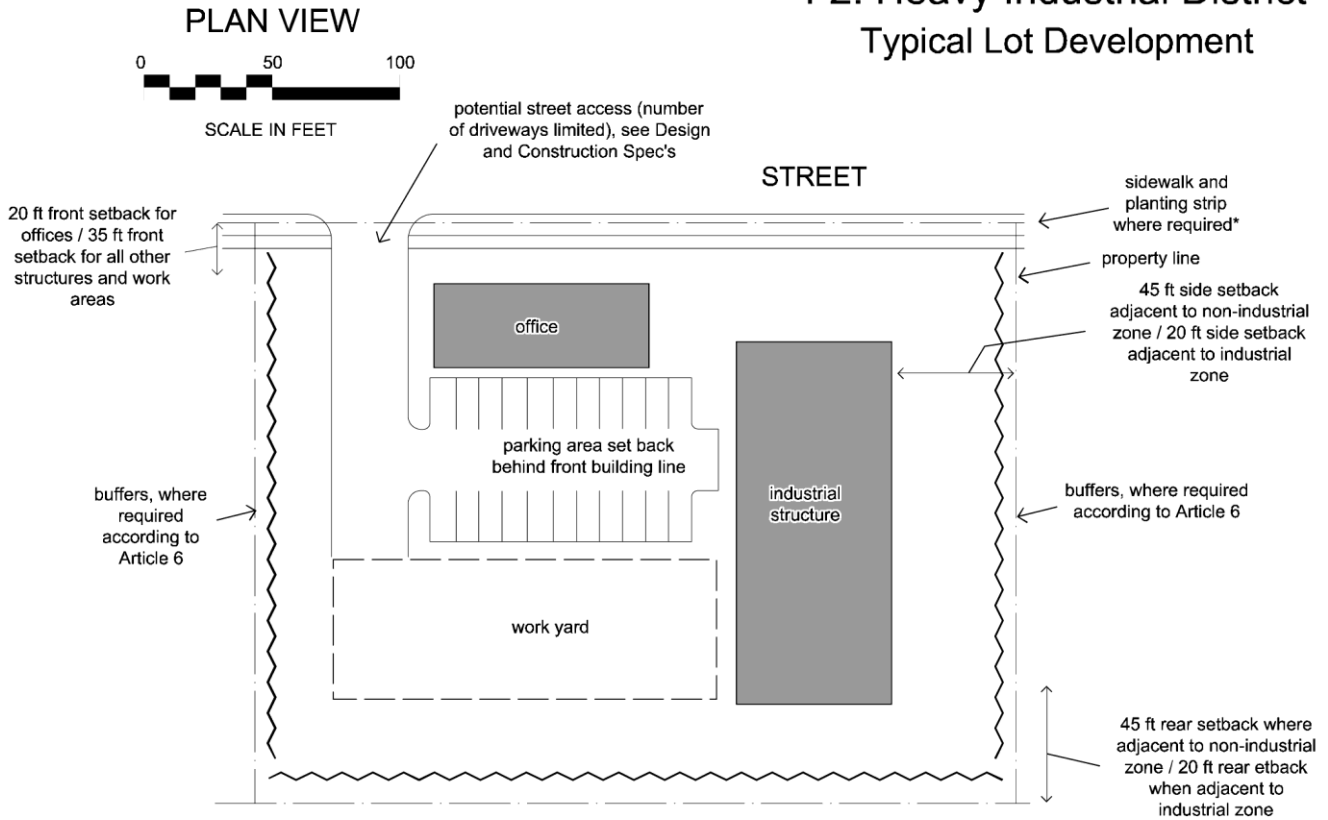
**Section 514: I-2 Heavy Industrial Zone.** A district providing for more intensive types of industrial uses that, by the nature of their products and/or operation, can be expected to have relatively greater detrimental impacts on adjacent properties and the surrounding area.

<b>514.01. Uses Permitted Subject to Supplemental Use Regulations.</b> 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"> <li>▪ cement plants</li> <li>▪ fixed plants for processing stone, chert, gravel, clay, slag, coal, or iron ore</li> <li>▪ iron and steel mills</li> <li>▪ other heavy manufacturing uses</li> <li>▪ railroad shops, roundhouses, and yards</li> </ul>	<ul style="list-style-type: none"> <li>▪ timbering, saw mills, and timber processing facilities</li> <li>▪ animal shelters §710</li> <li>▪ mini-warehouses, mini-storage §716</li> <li>▪ auto dismantling, junk yards and salvage yards §728</li> <li>▪ wireless communication services §730</li> <li>▪ high-intensity institutional uses</li> </ul>
<b>514.02. Special Exception Uses.</b>	
<ul style="list-style-type: none"> <li>▪ telecommunications towers §718</li> </ul>	<ul style="list-style-type: none"> <li>▪ public utility facility §729</li> </ul>
<b>514.03. Area and Dimensional Requirements.</b> 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"> <li>▪ 20 feet for office / administrative buildings only</li> <li>▪ 35 feet for all other structures and work yards</li> </ul>
Min. Rear Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> <li>▪ 45 feet when adjoining or abutting a non-industrial Zone</li> <li>▪ 20 feet when adjoining or abutting an industrial Zone</li> </ul>
Min. Side Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> <li>▪ 20 feet for office / administrative buildings only</li> <li>▪ 45 feet when adjoining or abutting a non-industrial Zone</li> <li>▪ 20 feet when adjoining or abutting an industrial Zone</li> </ul>
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605

**514.04. 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.

## I-2: Heavy 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.

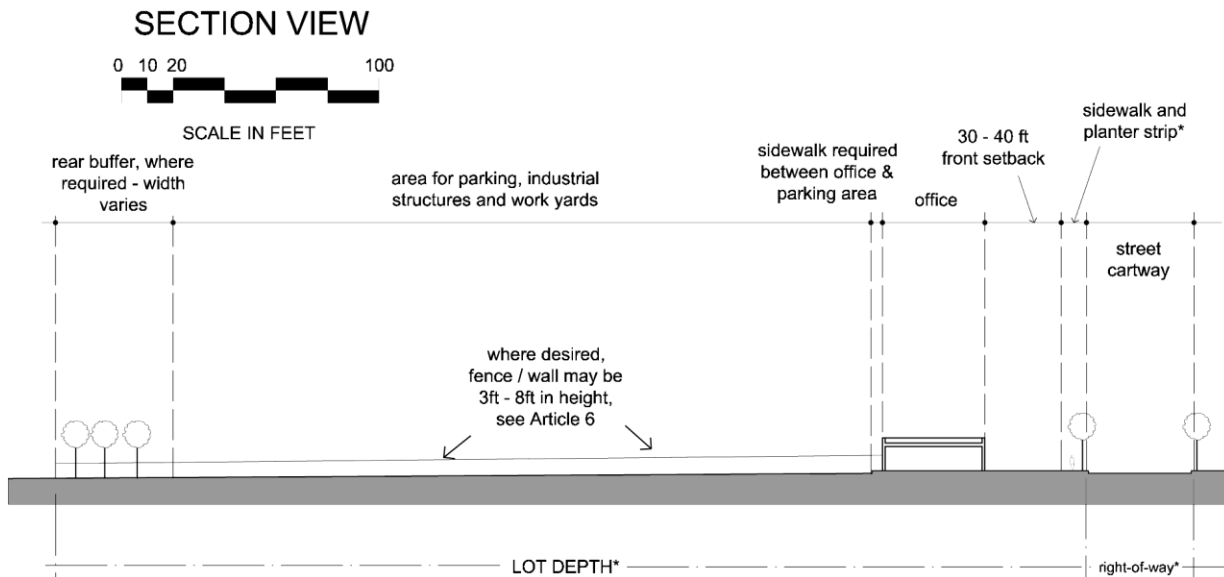
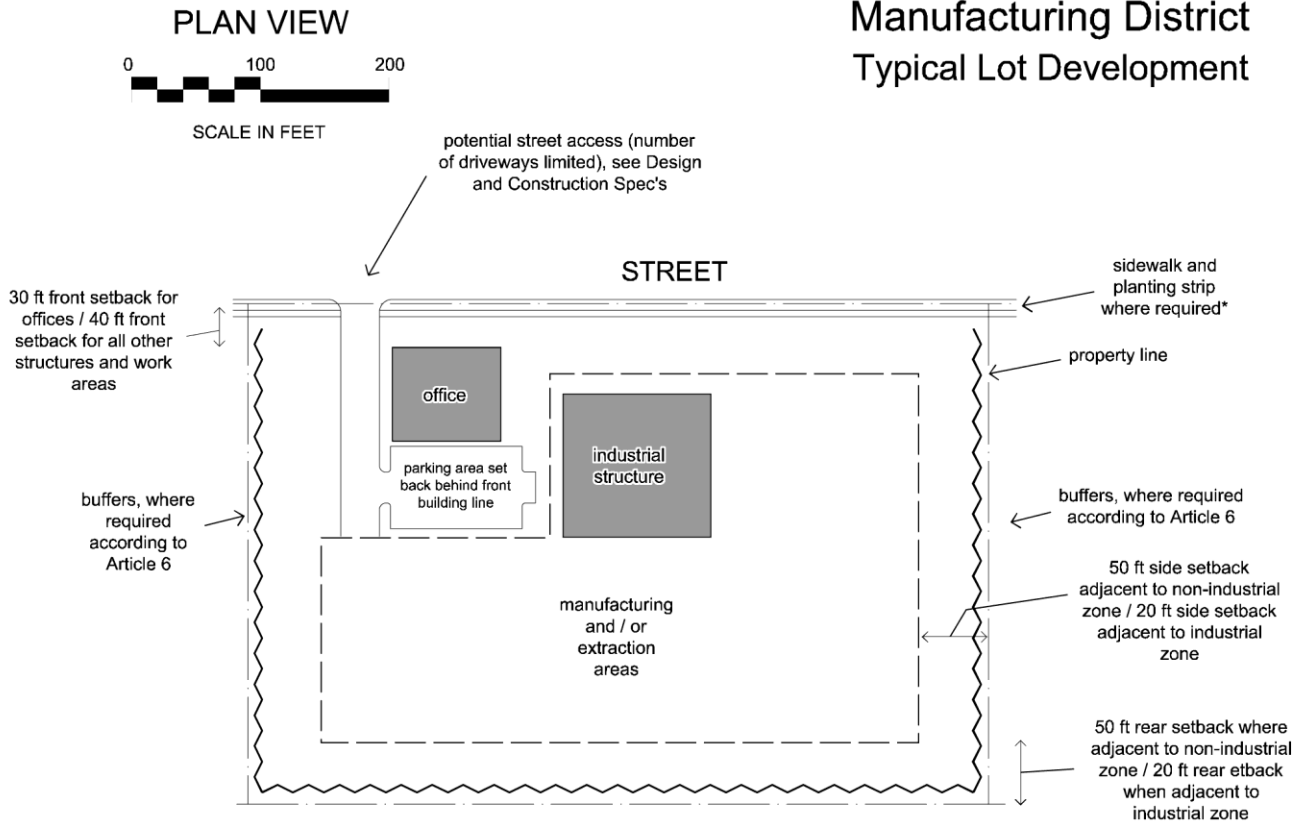
**Section 515: I-3 Mining and Manufacturing Zone.** A district providing for mining, extraction and processing of materials and other natural resources, and for manufacturing operations that are more extensive or large-scale in nature than industrial uses classified in other industrial Zones and, as such, are most likely to have substantial detrimental impacts on adjoining properties and the surrounding area.

<b>515.01. Uses Permitted Subject to Supplemental Use Regulations.</b> 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"> <li>▪ any uses permitted in an I-2 Heavy Industrial Zone except auto dismantling, junk and salvage yards</li> <li>▪ extraction of gas, minerals and other similar natural resources</li> <li>▪ surface or strip mining</li> </ul>	<ul style="list-style-type: none"> <li>▪ subsurface and underground mining operations, quarrying, dumping of spoilings, tailings and other such waste, non-residential mobile buildings and /or other facilities that may be accessory or appropriate to the conduct of such uses as permitted herein</li> <li>▪ wireless communication services §730</li> </ul>
<b>515.02. Special Exception Uses.</b> Any other industrial uses not specifically addressed in this Zone and not determined to be comparable to the uses permitted in other Zones and:	
<ul style="list-style-type: none"> <li>▪ telecommunications towers §718</li> </ul>	<ul style="list-style-type: none"> <li>▪ public utility facilities §729</li> </ul>
<b>515.03. Area and Dimensional Requirements.</b> 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"> <li>▪ 30 feet for office / administrative buildings only</li> <li>▪ 40 feet for all other structures and work yards</li> </ul>
Min. Rear Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> <li>▪ 50 feet when adjoining or abutting a non-industrial Zone</li> <li>▪ 20 feet when adjoining or abutting an industrial Zone</li> </ul>
Min. Side Yard setback (for all structures and work yards)	<ul style="list-style-type: none"> <li>▪ 20 feet for office / administrative buildings only</li> <li>▪ 50 feet when adjoining or abutting a non-industrial Zone</li> <li>▪ 20 feet when adjoining or abutting an industrial Zone</li> </ul>
Fences and walls	3ft min. and 8 ft max., subject to §605
Buffers	subject to §604 and §605, also see §515.04.A.

**915.04. Additional Requirements.**

- A. Where existing vegetation within required setback and/or buffer areas is deemed by the Commission to be sufficient for accomplishing the general intent and purpose of a required buffer (§1004), said areas may be retained undisturbed and in their natural state. In any case, however, all buffer Zones shall be maintained in a manner consistent with the provisions of §604.
- B. No extraction of minerals, coal, ore, etc. by the surface stripping method will be permitted within one hundred feet of any Lot Line or public road right-of-way. No buildings, structures or other facilities accessory or incidental to strip mining will be permitted within fifty (50) feet of any Lot Line or public right-of-way, other than a building used solely as an administrative office. Exceptions to these setback requirements shall be made on those portions of the property adjoining or abutting another property used for strip mining. In such cases, there shall be no setback from such adjoining properties.
- C. 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.
- D. 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.

# I-3: Mining and Manufacturing 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 516: U-P Present Use Zone.** A district intended to help the City avoid the unnecessary, uncontrolled, and/or scattered conversion of open space land to developed uses; to avoid the creation of land use and zoning conflicts arising in the future as a result of inappropriate zoning practices in the past and present, whether by the City or by another jurisdiction; and to provide a means for more properly zoning land in accordance with its actual use, in consideration of its compatibility with the surrounding area and with proper regard to the City's Comprehensive Plan.

<b>516.01. Uses Permitted.</b>	
<ul style="list-style-type: none"> <li>▪ any existing use(s) established and operating on a property as of the date the U-P zoning was applied to said property</li> <li>▪ conservation / management for watershed, fish and wildlife habitat, hunting and fishing, or any other purposes that promote the preservation of land and the environment in its natural state</li> </ul>	<ul style="list-style-type: none"> <li>▪ accessory buildings and structures that are customarily incidental and subordinate to or reasonably necessary for the continuance of any of the permitted principal uses existing at the time of application of the U-P zoning</li> <li>▪ no use</li> </ul>
<b>516.02. Uses Permitted Subject to Supplemental Use Regulations.</b> The following use shall be subject to the provisions of §702.	
<ul style="list-style-type: none"> <li>▪ agricultural uses</li> <li>▪ forestry, which shall be defined for the purposes of this district as, any land having an established tree coverage at such density so as to preclude any other use or development without clearing or cutting</li> <li>▪ Silviculture and tree farming</li> </ul>	
<b>516.03. Area and Dimensional Requirements.</b> None.	

**516.04. Additional Requirements.**

- A. Continuation of any existing use(s) established and operating on any and each parcel or property in a U-P Zone shall remain at the same general level of intensity and density of such use(s) as was present at the time of zoning to the U-P Zone.
- B. Except as provided for in this Section, no increase in said intensity or density of use shall be permitted, including new construction, grading, fill, improvements, road-cutting or other modifications of the existing surface features of the property.

**516.05. Exceptions to these Regulations.**

- A. In accordance with the appeal procedures set forth in §1202, the Zoning Board of Adjustment may, upon appeal, authorize greater intensities or densities of use on particular parcels within a U-P Zone through the granting of a Variance.
- B. In accordance with the appeal procedures set forth in §1202, the Zoning Board of Adjustment may, upon appeal, authorize otherwise prohibited additional uses, or greater intensities or densities of use on particular parcels within a U-P Zone through issuing of a Special Exception Permit. However, in addition to the requirements of § 1202, any appeal involving the permitting of additional uses and/or uses prohibited in a U-P Zone shall further require the applicant to make an affirmative showing that:
  - 1. In view of the available alternatives within the City, the public interest would be best served by permitting such additional use at the proposed location; and
  - 2. The same public interest cannot be reasonably served by the currently lawful use of other lands within or outside the U-P Zone.
- C. Conditions on Variances and Special Exception Permits.
  - 1. Every Variance and Special Exception permit shall include such conditions as the Zoning Board of Adjustment shall determine necessary to ensure that any additional use or greater intensity or density of use, authorized thereunder will be accomplished with the minimum possible modification of and impact on the existing surface features of the particular parcel, and without impairment of the uses for which the neighboring lands are reasonable adapted.

2. A Variance or Special Exception permit shall expire after one (1) year unless the additional use or greater intensity or density of use permitted thereby has substantially commenced.
- D. Rezoning. Any owner of an interest in land in the U-P Zone may, as an additional alternative, seek Rezoning in accordance with Article 11 of this Ordinance. However, nothing in this Section shall be construed or otherwise used to grandfather or otherwise make legal any currently illegal or nonconforming use(s) that are not listed as being permitted in §516.02 or §516.03.

## ARTICLE 6. GENERAL REGULATIONS.

**Section 601. Uses in General.** In each district, only the uses specifically listed as “Permitted Uses”, “Uses Permitted subject to Supplemental Use Regulations”, or “Special Exception Uses” shall be allowed. Uses Permitted subject to Supplemental Use Regulations” shall be allowed only in conformance with the requirements of the standards specified for such uses in Article 12. “Special Exception Uses” are exceptions for which no permit shall be issued except with written approval of the Zoning Board of Adjustment, and which shall further be subject to such conditions as said Board may require to preserve and protect the character of the district concerned, including any applicable Supplemental Use Regulations as referenced in Article 7. Any use or structure existing at the time of enactment or subsequent amendment of this Ordinance but not in compliance with its provisions shall hereafter be considered a “nonconforming use”, and shall be subject to the stipulations, regulations, and other provisions set forth in Article 8 of this Ordinance.

**601.01. Accessory Uses.** Unless otherwise prohibited or restricted, a Permitted Use also allows uses, buildings, and structures that are accessory to a principal use or structure, as defined in this Ordinance, if located on the same site or building plot. However, such Accessory Uses, buildings, and/or structures shall not be established or erected prior to the establishment or construction of the principal use or building except in AG Agricultural Zones that are in a recorded subdivision. Furthermore, said accessory uses, buildings, and structures shall be in compatible with the character of the principal use as well as with that of the Zone in which it is located.

**601.02. Incidental Uses.** Unless otherwise prohibited or restricted, certain uses, buildings, and structures that are incidental to the principal use or structure, as defined by this Ordinance, will be permitted on the same site or building plot as said principal use or structure subject to prior approval by the Board. However, such incidental uses, building, and/or structures shall not be established or erected prior to the establishment or construction of the principal use or building. Furthermore, said incidental uses, buildings, and structures shall be compatible with the character of the principal use as well as that of the Zone in which it is located.

**601.03. Temporary Uses.** Temporary uses shall be permitted only on appeal to and upon approval of the Board. All such uses and/or occupancy permits shall be for one year or less unless otherwise specified by the Board.

**601.04. Use Exemptions.** The following uses are permitted in any district provided the parties in question have complied with all existing laws and regulations governing such installations: poles, wires, cables, conduits, pipelines, utility vaults, laterals and other similar distribution facilities, and thoroughfares and ways of any description. All such uses shall be subject, however, to the securing of any proper and necessary “use” and “building” permits; and it is further stipulated that no structure or facilities associated with any kind of extraction shall be considered exempt under the provisions of this section.

**601.05. Unclassified Uses.** The Zoning Officer is empowered to make interpretations so as to categorize any unclassified use into a listed use classification of most similar impact and characteristics. As provided herein, the Zoning Officer is empowered to make an interpretation of the most appropriate Zone under which the unclassified use may be permitted. In the event the Zoning Officer receives an application for a use that is not listed or that does not appropriately fit a use classification provided within this Ordinance, the following procedure shall apply:

- A. If compatible with the existing Zone intent, the unclassified use shall be permitted as a Conditional Use by the Commission.
- B. If the unclassified use would not be compatible with the existing Zone, the Zoning Officer shall determine the most appropriate Zone and inform the applicant of such determination. Upon such determination, said applicant may request Rezoning of the subject property to the Zone most appropriate for the desired use. Contingent on approval of the Rezoning request, the use may be permitted as a Conditional Use by the Commission.
- C. Following final action on the unclassified use per the above paragraphs, the Commission may initiate an amendment to the Ordinance to list the newly permitted use in the most appropriate Zones along with any conditions or Supplemental Use Regulations applicable to such use.

**Section 602. One Main Building on a Lot.** For single-family Residential Zones, every building hereafter erected or moved shall be located on a lot, tract, or parcel. In no case, shall there be more than one principal

residential building, and its accessory or duly permitted incidental structures, on any lot, tract, or parcel. Accessory dwellings and guest houses may be permitted as incidental uses only by Special Exception of the Board and shall conform to the requirements of §1202.

**Section 603. Area and Dimensional Requirements.** Any structure hereafter erected or altered shall be on a lot or parcel meeting the area and dimensional requirements of the Zone within which the property is located. No required yard or other lot requirement for a building or structure shall be occupied by or counted as a requirement for another building or structure.

**603.01. Measurement of Front Yard Setbacks.** Except as modified by §603.02, front setbacks shall be measured as described herein:

- A. Setbacks in Residential Zones. Front setbacks in Residential Zones, where sidewalks are required, shall be measured from the sidewalk. In the absence of a sidewalk, the Commission may require an easement sufficient to meet the planting strip and sidewalk requirements of such Zone. In these cases, the setback shall be measured from the easement line. In all other cases, the setback shall be measured from the Front Lot Line.
- B. Setbacks in Non-residential Zones. Front setbacks in Non-residential Zones, where sidewalks are required, shall be measured from the sidewalk. Front setbacks in Non-residential Zones, where sidewalks are not required shall be measured from the Front Lot Line.

**603.02. Yards and Building Setbacks from Thoroughfares.**

- A. When any required yard abuts a thoroughfare with a dedicated right-of-way of forty (40) feet or more in width, the setback shall be the setback as required in the applicable Zone and shall be measured from the Front Lot Line.
- B. When any required yard abuts a thoroughfare with a dedicated right-of-way of less than forty (40) feet in width or a thoroughfare without a dedicated right-of-way, the setback shall be not less than twenty-five (25) feet plus the setback as required in the applicable Zone. The setback shall be measured from the centerline of the existing thoroughfare.
- C. The setback requirements along denied access highways and railroad rights-of-way shall be no less than fifteen (15) feet.

**603.03. Accessory Structures.** Structures associated with accessory or incidental uses shall be located wholly to the rear of the principal building, except in AG Zones that are not in a recorded subdivision. In all cases, such accessory or incidental structures shall be set back no less than five feet from the Side Lot Line and no less than five feet from the Rear Lot Line. In addition, the following restrictions shall apply to the size and number of structures that may be permitted on any one lot, parcel or property in applicable Zones:

- A. Accessory dwellings shall be limited in area by the requirements provided for such uses in each Zone. Other accessory and incidental structures shall be limited by the yard setback and impervious surface requirements of each Zone.
- B. In all Residential Zones, except AG, the height of accessory and incidental structures shall be no greater than the height of the principal building.
- C. In an AG Zone on lots containing more than five acres, there shall be no limitation to the size or number of accessory structures permitted; provided, however that all other applicable requirements of this Ordinance are met.



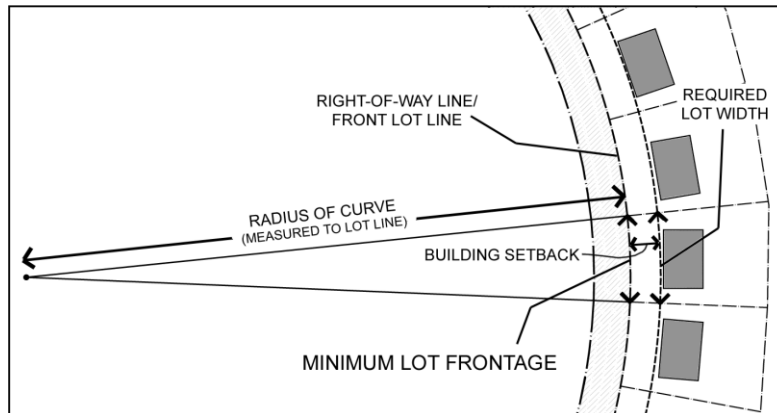
<b>603.04. Distance Between Buildings.</b> Except where otherwise provided, the following restrictions shall govern the minimum space required between structures.	
Between primary dwellings	10 ft
Between primary and accessory dwellings	15 ft unless attached
Between primary dwellings and accessory structures	15 ft unless attached
Between dwellings and non-residential buildings	35 ft plus the required residential Side Yard
Between manufactured homes or trailers and the nearest primary dwelling (except a manufactured home or trailer) located on the same property under separate ownership	75 ft

**603.05. Height Limitations.** Height limitations shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; nor shall they apply to monuments, water towers, observation towers, transmission towers, chimneys, smokestacks, conveyors, silos, flag poles, radio towers, masts, aerials, and similar structures.

**603.06. Exceptions and Modifications.**

- A. Conformity of Front Setbacks to Existing Patterns. In any residential district, where a majority of the existing residences along one block include less than the minimum required Front Yard setback of the applicable Zone, the Front Yard setback may be reduced to be in line with the predominant pattern on that block.
- B. Conformity of Setbacks to Record Plat. Any lot established in a recorded subdivision, prior to the adoption of this Ordinance, shall be subject to the yard setbacks approved in that recorded plat.
- C. Required Lot Width and Lot Frontage.
  - 1. For cul-de-sacs, the lot width at the building line shall be no less than the minimum lot width required by the applicable zone; and the minimum street frontage shall be no less than forty (40) feet measured along the arc of the curve.
  - 2. For lots along the outer side of curved thoroughfares, the minimum Lot Frontage shall be established by the following equation and as described in the illustration below:

$$\text{Minimum Street Frontage} = \frac{\text{radius of curve} \times \text{minimum lot width}}{\text{radius of curve} + \text{building setback}}$$



Minimum Lot Width on Curved Thoroughfares

- D. Irregularly Shaped Subdivision Lots. The lot width at the building line shall be no less than the minimum lot width required by the applicable Zone. Flag Lots, irregularly-shaped lots that do not meet the lot width requirement at the Front Lot Line, may be permitted by the Commission in the AG, RE, RL and RM Zones only and the minimum lot frontage shall be no less than 50% of the minimum lot width required by the applicable Zone.
- E. Other Residential Exceptions. In cases of practical difficulty or unnecessary hardship, the Building Inspector may grant the following exceptions to yard requirements in a residential district:
  - 1. An allowance of up to five feet for uncovered front or rear stoops or steps.
  - 2. Chimneys, bay windows, etc., no more than 10 feet in width, may project up to 30 inches into required rear or Side Yards.
  - 3. Uncovered rear decks may project no more than 15 feet into the required Rear Yard.

**Section 604. Buffers.** In cases where a buffer yard is required or deemed necessary for the protection and/or separation of uses on abutting properties, the following provisions shall constitute the minimum requirements for each unless otherwise specified by the Commission in individual cases.

**604.01. General Requirements.**

- A. Where a conflict exists between the buffer requirements for a use and a zoning district, the use requirements shall control.
- B. One-hundred (100) percent of the applicable buffer requirements shall be the responsibility of the developing land use, except when new use is developed abutting an existing more intensive use developed prior to the approval of these standards and for which no buffer is in place. In this case, the new use shall be responsible for providing a minimum of fifty (50) percent of the required buffer.
- C. If the land use relationships between two (2) abutting lots change so that a lesser buffer would be required, the width of the buffer may be reduced accordingly.
- D. If the required buffer abuts a public alley, up to one-half of the alley width can be used to satisfy the buffer width requirement.
- E. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required buffer yards.
- F. Where desirable and upon the receipt of a written agreement between the affected property owners, the Commission may permit a public entryway along a fence, which is provided as part of required buffer, to allow pedestrian access to and from an abutting residential use.

**604.02. Design Requirements.**

- A. The width of a required buffer may be reduced by twenty-five (25) percent if a wall, fence, or berm is provided that meets the following standards:
  - 1. Any fence or wall shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof, as may be approved by the Commission. No more than twenty-five (25) percent of the fence surface shall be left open, and the finished side of the fence shall face the abutting property. A chain-link fence with plastic, metal, or wooden slats shall not be permitted.
  - 2. Any required buffer abutting a park or greenway shall be waived in its entirety, if the property owner dedicated that land to be set aside for the required full buffer width to the City for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Parks and Recreation Department.
  - 3. Walls and fences shall be a minimum of six (6) feet high.
  - 4. Berms shall be a minimum of four (4) feet high with a maximum slope of three to one (3:1). Berms in excess of six (6) feet high shall have a maximum slope of four to one (4:1) as measured from the exterior Lot Line.
  - 5. Berms shall be landscaped and stabilized to prevent erosion.

- B. Shrub requirements may be reduced by fifty (50) percent if a fence or wall is built. If a berm is constructed, shrub requirements may be reduced by twenty-five (25) percent. However, the number of trees is not modified by the reduction of buffer width.

**604.03. Planting Requirements.**

- A. Shrubs shall be evergreen and at least thirty (30) inches tall when planted with an average height of five (5) to six (6) feet to be expected as normal growth within four (4) years. However, twenty-five (25) percent of the shrubs may vary from the above standard. The permitted variations are that:
- B. Shrubs may be deciduous; shrubs may be two (2) feet tall when planted, provided an average height of three (3) to four (4) feet is expected as normal growth within four (4) years.
- C. Shrubs planted on a berm may be of a lesser height, provided the combined height of the berms and plantings is a least six (6) feet after four (4) years.

**604.04. Maintenance.**

- A. Buffer strips shall be maintained in perpetuity by the owner.
- B. Ground cover shall be regularly maintained as necessary to prevent overgrowth during the spring and summer months, and all areas shall be kept free of debris and refuse during all seasons.
- C. Grass-type ground covers shall be kept in a healthy condition and mowed no less than once every three weeks during summer months. Existing natural vegetation used to meet buffer requirements may be preserved in a natural state; however, upon a determination by the Building Inspector that the condition of a buffer area constitutes a health or safety hazard, such condition shall be remedied by the owner per the recommendations of the Building Inspector.
- D. Failure to comply with these maintenance requirements shall constitute a violation of this Ordinance and shall be subject to the remedies and penalties provided in §1111.

<b>TABLE 604A MINIMUM BUFFER REQUIREMENTS BY USE</b>						
<b>Developing Uses</b>	<b>Existing Abutting Uses</b>					
	<b>Detached Residential Use or Zoning</b>	<b>Attached Residential Use or Zoning</b>	<b>Institutional Use or Zoning</b>	<b>Office Use or Zoning</b>	<b>Business Use or Zoning</b>	<b>Parks and Greenways</b>
			<i>low /medium /high</i>			
<b>ATTACHED RESIDENTIAL</b>	<b>Type of Buffer Required</b>					
Attached and multi-family in one building with more than 8 units; planned multi-family and attached developments and manufactured housing parks	<b>C</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>none</b>
<b>INSTITUTIONAL</b> (see definitions in Article 3)						
<i>Low intensity</i>	<b>C</b>	<b>C</b>	<b>none</b>	<b>none</b>	<b>none</b>	<b>C</b>
<i>Medium intensity</i>	<b>C</b>	<b>C</b>	<b>C</b>	<b>none</b>	<b>none</b>	<b>C</b>
<i>High intensity</i>	<b>B</b>	<b>B</b>	<b>B</b>	<b>none</b>	<b>none</b>	<b>C</b>
<b>OFFICE</b>						
Clinics/Offices up to 50,000 sf	<b>C</b>	<b>C</b>	<b>C</b>			<b>C</b>
Clinics/Offices greater than 50,000 sf	<b>B</b>	<b>B</b>	<b>B</b>			<b>C</b>
<b>BUSINESS</b>						
Amusement; outdoor entertainment and retail	<b>C</b>	<b>C</b>	<b>C</b>			<b>C</b>
Retail, shopping centers, and restaurants up to 50,000 sf	<b>B</b>	<b>B</b>	<b>C</b>			<b>C</b>
Retail, shopping centers, and restaurants greater than 50,000 sf	<b>B</b>	<b>B</b>	<b>C</b>			<b>C</b>

<b>INDUSTRIAL</b>												
Airport	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>B</b>
Heavy Manufacturing	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>
Light Manufacturing	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>B</b>
Warehousing and Storage	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>B</b>
Other Industrial Uses	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>A</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>	<b>B</b>

<b>TABLE 604B REQUIREMENTS BY TYPE OF BUFFER AND SITE ACREAGE</b>												
<b>Type of Buffer</b>		<b>Site Area (in Acres)</b>										
		1 or less	1 ≥ 2	2 ≥ 3	3 ≥ 4	4 ≥ 5	5 ≥ 6	6 ≥ 7	7 ≥ 8	8 ≥ 9	9 ≥ 10	greater than 10
<b>A</b>	width (ft)	40	50	55	60	65	70	75	80	85	90	100
	trees per 100 lf	9	9	9	10	10	10	10	11	11	11	12
	shrubs per 100 lf	60										
<b>B</b>	width (ft)	25	30	35	40	45	50	55	60	65	70	75
	trees per 100 lf	6	6	7	7	8	8	9	9	10	10	11
	shrubs per 100 lf	40										
<b>C</b>	width (ft)	10	13	17	21	25	29	33	37	41	45	50
	trees per 100 lf	3	4	5	5	6	6	7	7	8	8	9
	shrubs per 100 lf	20										

**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 compliment 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

**Section 606. Residential Fences and Walls.** Fences and walls within individual residential lots, not otherwise required as buffers or screens, shall be constructed within the Lot Lines of the dwelling and comply with the height restrictions of the applicable Zone. A fence permit shall be required for construction of a fence or wall on the lot of an existing dwelling in accordance with §1102. Fences and walls shall further be subject to the following:

**606.01. Front Fences and Walls.** The following requirements shall apply to fences and walls, excluding retaining walls, provided within a required Front Yard and otherwise fronting on a public thoroughfare:

- A. Front fences and walls shall be no taller than four feet from grade at the fence line except as otherwise permitted in individual cases by the Commission for estate lots.
- B. Along the secondary frontage of Corner Lots, a wooden or vinyl fence or wall, intended as a privacy screen, shall be permitted to be taller than four feet. However, such fence shall not exceed twenty-five (25) feet in length unless masonry columns are provided within the design of the fence at regular intervals less than twenty-five (25) feet.
- C. Front fences and walls shall be constructed of masonry, ornamental metal, or durable wood, or a combination thereof.
  1. Chain-link fencing is prohibited within required Front Yards. Upon approval by the Commission in individual cases, vinyl-coated chain-link fencing may be permitted to enclose a Rear Yard along the secondary frontage of Corner Lots.
  2. Wooden privacy fences shall be erected with support members located on the interior side.
  3. The style of fences and walls should be compatible with the architectural style of the home and harmonious with the general character of the neighborhood. *For example, "split-rail" fences are more appropriate in rural areas and historic neighborhoods and less appropriate in high-density residential areas and neighborhoods developed after World War II.*
- D. Front fences shall be set back from an adjacent sidewalk by a planting strip of no less than three feet in width; however front walls may be permitted to abut a sidewalk upon approval in individual cases by the Commission.

**606.02. Rear and Side Fences and Walls.** The following requirements shall apply to all other fences and walls on residential lots:

- A. Fences and walls shall be constructed of masonry, ornamental metal, or durable wood, or a combination thereof. Chain-link fencing shall also be permitted.
- B. Fences and walls shall be set back from the edge of pavement of an alley by a planting strip of no less than three (3) feet.

**Section 607. Design and Construction Specifications.** All lot improvements incidental to new construction or reconstruction of a use on a property shall conform to the requirements of the Design and Construction Specifications where applicable.

**Section 608. Building Materials Standards. (See Amendment Ordinance 2009-09)**

**GENERAL REGULATIONS**

**Building Materials Standards**

**608.01 Purpose**

1. Regulate the building materials used in the erection, construction, reconstruction, alteration, repair or use of in the buildings, structures within the City of Clay. This standard shall be applied to all structures permitted following the adoption of Ordinance No. 2006-07. 2. Approval of building materials for remodeling or additions to any structures that existed prior to the enactment of Ordinance No. 2006-07 on March 27, 2007 shall be at the discretion of the Chief Building Inspector with the approval of the City Council.
2. Approval of building materials for new construction in subdivisions that were platted and approved prior to the enactment of Ordinance No. 2006-07 on March 27, 2007 shall be at the discretion of the Chief Building Inspector with the approval of the City Council.
3. To allow flexibility and variety in architectural style, design and function while maintaining and promoting overall consistency of all of the buildings collectively in the City of Clay.
4. This requirement shall apply to accessory dwellings, whether attached to the principal dwelling or not.
5. Section 608, as amended in Ordinance 2009-09, shall affect only new subdivisions and will not operate as being retroactive. However, prior subdivision final plats that have been submitted to the City of Clay Planning and Zoning Commission and approved, shall not be affected by this change except in the following circumstances:
  - (A) After final plats have been approved, but construction has not been completed on at least one (1) dwelling that is occupied.
  - (B) After final plats have been approved, but construction of a dwelling has failed to take place.
6. All prior approved subdivisions, regardless of how final plats were presented for approval, and regardless of how phases of a sub-division is platted, that are in existence prior to the enactment of this amendment, whereupon there is at least one (1) completed dwelling that is occupied, shall remain under the Zoning Code, Section 608 as of the original date of approval, Ordinance 2006-07.

**608.02 Scope**

This Article is not intended to supersede or supplant established building and fire code regulations, nor to regulate the quality, durability, maintenance, performance, load capacity, or fire resistance characteristics or workmanship of building materials.

The provisions of the Article shall apply to all new structures in the following zoning districts:

**Residential Zones**

- RE Estate Single Family Residential Zone
- RL Low Density Single Family Residential Zone
- RM Medium Density Single Family Residential Zone
- RH High Density Single Family Residential Zone
- RP Planned Unit Zone

**Agricultural Zones**

- AG Agricultural Zone

**Commercial Zones**

- NC Neighborhood Center Commercial Zone
- TC Town Center Commercial Zone
- HC Highway Commercial Zone

- SC Special Commercial Zone
- Institutional Zones
  - NI Neighborhood Institutional Zone
  - CI Community Institutional Zone
- Industrial Zones
  - I-1 Light Industrial Zone
  - I-2 Heavy Industrial Zone,
  - I-3 Mining and Manufacturing Zone
- Other Zones
  - U-P Present Use Zone

608.03 Standards

All buildings shall have one primary material and no more than three secondary or accent trim materials. The coverage calculation does not include doors or windows. Ranges for materials are defined by district type.

Material changes other than trim shall only occur at inside corners in association with a massing element or at a horizontal architectural detail.

All sides of a building shall be complementary in design, details, and materials. Where a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall include windows, building materials, and architectural features similar to those present on the front facade of the building (see illustration).



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).



Category	Material	Residential RE, RL, RM, RH, RP, and AG	Commercial HC, TC and NC	Institutional CI and NI	Industrial I2, and I3
Siding Or Shingles	Wood Clapboard	100%	100%	100%	0%
	Wood Shingles	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 0.046 inches thick with foam backing	100%	30%	30%	30%
	Vinyl Shingles (See Above)	100%	50%	30%	30%
	Fiber Cement Siding	100%	100%	100%	100%
	Fiber Cement Shingles	100%	100%	100%	100%
Masonry	Brick	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%	100%	100%
	Stucco (Exterior Portland Cement Plaster with Three (3) Coats Over Metal Lath Or Wire Fabric Lath)	100%	100%	100%	100%
	Architecturally Finished Block (Burnished Block, Split Faced Concrete Masonry Units or Architecturally Finished Tilt wall)	0%	70%	70%	100%
Stone	Stone	100%	100%	100%	100%
	Cultured Stone or Cast Stone	100%	100%	100%	100%
Engineered Finished Products	EIFS (Exterior Insulation and Finish System) plaster, stucco or similar materials	0%	30%	30%	30%
	Hard Coated EEPS (Expanded Polystyrene) plaster or similar polyurea hard-coated foam materials	0%	30%	30%	30%

Category	Material	Residential RE, RL, RM, RH, RP, and AG	Commercial HC, TC and NC	Institutional CI and NI	Industrial I2, and I3
Sheets, Paneling or Similar	Wood	0%	0%	50%	50%
	Metal	0%	0%	50%	50%
Other	Masonite	0%	0%	0%	0%
	Visible Asphalt Exterior Wall	0%	0%	0%	0%
	Vertical Aluminum/Steel Siding or Panels	0%	0%	0%	0%
	Non-Architectural Sheet Metal	0%	0%	0%	0%
	Non-Textured Concrete Block	0%	0%	0%	0%
	Non-Finished/Non-Painted Plywood or Particle Board Siding	0%	0%	0%	0%

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**ARTICLE 7. SUPPLEMENTAL USE REGULATIONS. (See Amendment Ordinance 2013-04)**

**Section 700.00.** The uses identified in Article 5 as subject to supplemental use regulations shall comply with all applicable standards for applicable uses as defined within this Article.

**700.01. Applicability and Enforcement.** After the effective date of this ordinance, any existing building proposed for a change in use that under this Ordinance is subject to Supplemental Use Regulations, shall be required to obtain a Certificate of Occupancy from the Building Inspector stating that the structure, lot and proposed use complies with all standards for the stated use. A Certificate of Occupancy required for a new building shall similarly reflect the Building Inspector's satisfaction that all requirements have been met for a use subject to Supplemental Use Regulations.

**Section 701. Accessory Dwellings.**

**701.01.** The Gross Floor Area of the accessory dwelling shall be at least 300 square feet.

**701.02.** If attached to the principal dwelling, the accessory dwelling shall maintain the appearance of the principal dwelling, and shall not create additional entrances toward the front of the property.

**701.03.** If detached from the principal dwelling, the accessory dwelling shall be limited to the rear of the principal dwelling or within the upper floor of a garage, and shall be so placed as to avoid objectionable views from the street and surrounding properties.

**Section 702. Agricultural Uses.**

**702.01. Setbacks.**

- A. Poultry houses for housing more than five hundred (500) birds shall not be located closer than three hundred (300) feet from all Lot Lines and thoroughfare right-of-way lines.
- B. Structures for housing more than twenty-five (25) head of livestock shall not be located closer than three hundred (300) feet from all Lot Lines and thoroughfare right-of-way lines.
- C. If the owner of the proposed structure owns the land on the other side of the thoroughfare opposite the location of the proposed structure, such structure need only be set back from the thoroughfare right-of-way line the distance as required in the district where it is to be located; provided however, that the structure shall not be closer than three hundred (300) feet to any Lot Line.
- D. Piles of feed or bedding shall be located no closer than fifty (50) feet from a public thoroughfare right-of-way line, lot line, or zoning district boundary to minimize odor and nuisance problems.
- E. Manure shall be stored for removal and disposed of in accord with all applicable county, state and federal regulations. No manure piles shall be located closer than fifty (50) feet from a public thoroughfare right-of-way, lot line, zoning district boundary, wetland, watercourse or other water body.

**702.02.** The Board of Adjustments may permit the expansion of existing poultry and livestock facilities closer to the property and street right-of-way lines than permitted above, provided that the Board finds that the expansion of such facilities will not be more detrimental to surrounding properties than the existing use.

**702.03.** All concentrated animal operations shall require a nutrient management plan prepared by the USDA – NRCS that is approved by the Jefferson County Soil & Water Conservation District prior to the commencement of such operation.

**702.04.** All agricultural practices shall comply with the USDA – NRCS Field Office Technical Guide's Standards and Specifications for such practices.

**702.05.** Prior to the issuance of a Building Permit for any manure storage facility, the applicant shall provide the Building Inspector with a letter from the Jefferson County Soil and Water Conservation District or the USDA-Natural Resources Conservation Service (NRCS) approving the construction of the facility.

**702.06. Stables and Corrals.**

- A. The minimum area for stable and corral uses shall be one (1) acre.
- B. No more than two (2) horses or ponies shall be permitted for each one (1) acre and no more than two (2) additional horses or ponies are permitted for each additional one-half (½ ) acre.

- C. All stables shall be located a minimum of one hundred (100) feet from all Lot Lines and all corrals shall be located a minimum of fifty (50) feet from all Lot Lines.

**Section 703. Apartment and Condominium Buildings.**

- A. Minimum site area: 12,000 square feet.
- B. All building must face the street. Parallel or diagonal parking is permitted along the block face. Any additional parking shall be behind the front building line and shall further be setback no less than 15 feet from the building. A sidewalk of no less than 6 feet in width shall be provided between the building and parking area.
- C. All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 6 feet in width shall be provided between all the building and parking areas.
- D. No less than 15% of the site area shall be improved and maintained as open space for the passive recreational use of tenants.
- E. All utilities shall be placed underground; all apartment and condominium buildings shall be served by public water and sewer.

**703.01. Apartment Complexes.**

- A. Minimum site area: 12,000 square feet.
- B. All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 4 feet in width shall be provided between all buildings and parking areas.
- C. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- D. No less than 15% of the site area, and not less than 2,500 square feet, shall be improved and maintained as open space for the passive recreational use of tenants.
- E. All utilities shall be placed underground; all apartment complexes shall be served by public water and sewer.

**Section 704. Automated Teller Machine (ATM).**

**704.01.** “Walk-up” ATMs shall be permitted in the C1, C2, C3, and C4 Zones only.

- A. Walk-up ATMs may be fully enclosed within the structure of a principal use and accessible from the interior or exterior of the building.
- B. Walk-up ATMs shall be provided solely for pedestrian access and shall not be accessible by a drive-thru for motorists. No parking spaces shall be required for a “walk-up ATM”.
- C. Security cameras shall be provided in all exterior-accessible “walk-up” ATMs.

**704.02.** “Drive-thru” ATMS shall be permitted only as accessory uses and shall not be permitted as principal uses.

**Section 705. Bed and Breakfasts.**

**705.01.** Bed and breakfast establishments shall only be permitted in single-family detached dwelling units. The owner/operator shall be the primary resident occupant of the establishment.

**705.02.** Meals may be served to guests as part of the room fee, but in no case shall meals be served for compensation to persons not staying in the bed and breakfast.

**705.03.** No cooking facilities shall be permitted in any bed and breakfast guest room.

**705.04.** There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.

**705.05.** Rooms shall be rented on a nightly basis for periods not to exceed one (1) week.

**705.06.** Not more than one (1) non-family member of the owner shall be employed within the establishment.

**Section 706. BOARDing Houses.**

- 706.01.** Boarding houses shall only be permitted in single-family detached dwellings and shall be operated by the owner and primary occupant of the dwelling.
- 706.02.** At least three (3), but not more than six (6), Boarding rooms shall be available in a Boarding house.
- 706.03.** Meals may be served for compensation only to Boarders; in no case shall meals be served for compensation to persons who are not Boarders of the establishment. No cooking facilities shall be permitted in any Boarding room.
- 706.04.** There shall be no external alteration to the building except as may be necessary for safety facilities such as fire escapes.
- 706.05.** Rooms shall be rented on a weekly or monthly basis.
- 706.06.** The applicant for a Use permit and certificate of use and occupancy shall demonstrate that adequate public sewer and water service will be provided to the establishment and shall also demonstrate that the Boarding home will comply with all State of Alabama requirements for such uses.

**Section 707. Cemeteries.**

- 707.01.** Minimum Site Area: 2 acres
- 707.02.** All gravesites shall be set back no less than 30 feet from all Lot Lines. All columbaria and mausoleums shall be setback no less than 50 feet from all Lot Lines.
- 707.03.** No gravesite shall be located closer than 150 feet from a water line or underground water supply.

**Section 708. Day Care Facilities.** Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

- 708.01.** Application of Regulations. The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24)-hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include Family Day Care Homes and Day Care Centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.
- 708.02.** General Provisions. The following general provisions apply to all day care facilities.
  - A. All child day care facilities shall comply with all applicable State regulations.
  - B. The operator of a Day Care Facility shall allow appropriate representatives of the municipality to enter the property to inspect such use for compliance with the requirements of this Ordinance.
  - C. Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the Front Yard.
  - D. Day care facilities utilizing, or proposing to utilize, an on-site sewage disposal system shall obtain a written statement from the Jefferson County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.
  - E. Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and principal arterial and minor arterial roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.
  - F. The expansion of a Family Day Care Home to a Day Care Center shall require Rezoning to a district in which a Day Care Center is permitted. When applying for Rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), merchandise delivery areas, on-lot sewage disposal facilities, parking spaces, and the child or adult drop-off circulation pattern.



**708.03.** Family Day Care Homes. In addition to the other provisions of this Section, Family Day Care Homes shall comply with the following:

- A. The facility must have a current State registration certificate. Proof of registration renewal must be supplied to the City every two (2) years.
- B. Any external evidence of such use shall be limited to one (1) non-illuminated sign subject to Article 10.
- C. Family Day Care Homes shall only be permitted in single-family detached dwellings.

**708.04.** Day Care Centers. In addition to the other provisions of this Section, Day Care Centers shall comply with the following:

- A. The facility must have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the City every year.
- B. A fence with a minimum height of four (4) feet shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
- C. If the facility has access to streets of different classifications, access shall be provided using the street of lesser functional classification.
- D. Play equipment shall be located at least ten (10) feet from an abutting Lot Line.
- E. All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, merchandise delivery areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

**708.05.** Application and Permitting Procedure. Any individual proposing a Family Day Care Home shall submit an application for a Family Day Care Home Permit to the Building Inspector who will review the application for compliance with the Zoning Ordinance. If the application demonstrates compliance with the Zoning Ordinance, the Building Inspector shall grant the permit.

**708.06.** Inspections. The Building Inspector, or a person designated by the Building Inspector or City Council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

### **Section 709. Home Occupations.**

**709.01.** Background and Intent. The City recognizes the need to establish regulations pertaining to home-based occupations to afford opportunities for residents to work from home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. It is the intent of this Section to establish regulations, which will permit home occupations in a manner that will preserve the peace, quiet and tranquility of residential neighborhoods, and to ensure the compatibility of such uses with other uses permitted within the same Zone.

**709.02.** Classifications of Home Occupations. All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article 3 of this Ordinance.

- A. To the extent that such uses are consistent with the definition of a "minor home occupation", minor home occupations shall include but are not limited to the following uses:
  - 1. Professional office uses including realtors and insurance sales;
  - 2. Artists, craftsmen and sculptors;
  - 3. Cake baking and decorating;
  - 4. Dance instruction;
  - 5. Dress making, sewing, tailoring contract sewing (maximum one machine);
  - 6. Grooming of dogs and cats;
  - 7. Gun repair;
  - 8. Computer programming and word processing;
  - 9. Laundry and ironing services;

10. Mail order or phone order;
11. Millinery;
12. Music composing or instruction;
13. Photography;
14. Saw, scissors, and blade sharpening;
15. Telephone related services;
16. Television, radio, electronics, and small appliance repair;
17. Tutoring (limited to a maximum of four (4) students at any one time); and
18. Wallpapering.

B. Major home occupations shall include the following:

1. Any use listed above as a minor home occupation that exceeds the standards specified in § 709.05.
2. Any home occupation that satisfies the definition of a "major home occupation" as defined in Article 3 of this Ordinance.

**709.03.** Uses Not Permitted as Home Occupations. The following uses by the nature of the investment or operation have a pronounced tendency once started to rapidly increase beyond the limits permitted for home occupations and thereby impair the use and values of a residentially Zoned area for residence purposes and are more suited to non-Residential Zones. Therefore, the following uses shall not be permitted as home occupations in residential districts, except as otherwise permitted within A1 Zones:

- A. Ambulance services;
- B. Animal Boarding/kennels or veterinary services;
- C. Appliance repair (major appliances);
- D. Gift or antique shop;
- E. Health salon, gym, dance studio, aerobic exercise studio, or massage parlor;
- F. Helicopter service;
- G. Limousine, hearse, or cab service;
- H. Locksmith;
- I. Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats;
- J. Mortician or funeral home;
- K. Palm reading/fortune telling;
- L. Material or metal fabrication shops or machine shops;
- M. Photo development;
- N. Private club;
- O. Private school with organized classes;
- P. Production woodworking and cabinet making;
- Q. Rental services, businesses, or sales from site (except direct distribution);
- R. Restaurants or taverns;
- S. Towing;
- T. Welding shop;
- U. Well drilling; and
- V. Other similar uses, which may, in the opinion of the Building Inspector, result in an adverse impact on a residential neighborhood.

**709.04.** All dwellings containing a home occupation shall comply with the following:

- A. The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted.
- B. A maximum of twenty-five (25) percent of the Gross Floor Area of the dwelling, excluding attics, garages, and basements, shall be used for any home occupation(s).

- C. Not more than one (1) major home occupation shall be permitted within any single dwelling unit.
  - D. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.
  - E. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined.
  - F. The home occupation shall be conducted entirely within the dwelling or accessory building. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required off-street parking spaces for the dwelling.
  - G. Deliveries from commercial suppliers shall comply with all applicable State regulations and shall not restrict traffic circulation.
  - H. A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.
  - I. There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.
  - J. Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; and goods ordered previously by telephone or at a prior sales meeting, that are not made on the premises and that do not relate to services performed on the premises.
  - K. Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.
  - L. "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.
  - M. The size of commercial vehicles used for the home occupation shall not exceed twenty (20) feet in overall length or seven (7) feet in height and shall not have a load capacity in excess of one (1) ton.
- 709.05.** Application and Permitting Procedure. Home occupations shall be subject to the following application and approval process: (See Amendment Ordinance 2012-06)
- A. Minor Home Occupations - No application required.
  - 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. 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.
  2. 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.
  3. The annual fee for a Major Home Occupation Permit shall be established by the City Council.
- 709.06.** Inspections. The Building Inspector, or a person designated by the Building Inspector or City Council, shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes following advance notice to the property owner.

**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.

#### **Section 711. Kennels and Animal Shelters.**

- 711.01.** Kennels and animal shelters shall not be located within two hundred (200) feet of an R1 or R2 Zone.
- 711.02.** A kennel or animal shelter shall not be located within one thousand (1,000) feet of another kennel.
- 711.03.** Not more than twenty (20) animals shall be housed or Boarded at any one time. Overnight Boarding areas shall be completely enclosed within the building.
- 711.04.** Outdoor runs shall be located to the rear of the building and all such areas visible from a public right-of-way shall be enclosed with a wooden privacy fence or similar weather-resistant, durable, and opaque material. Fences (or walls) shall be less than four feet nor greater than eight feet in height.
- 711.05.** All waste material shall be stored in closed containers and screened from all streets and adjoining properties by a fence, wall or plant screen at least as high as the containers.
- 711.06.** Emission of any offensive odors is not permitted at any time.

#### **Section 712. Conservation Subdivision.**

- 712.01.** Intent.
- A. To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards or by environmental regulations, which may limit the amount or type of development on such properties;
  - B. To enhance quality of life by promoting the creation of accessible greenspaces throughout the community;
  - C. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;

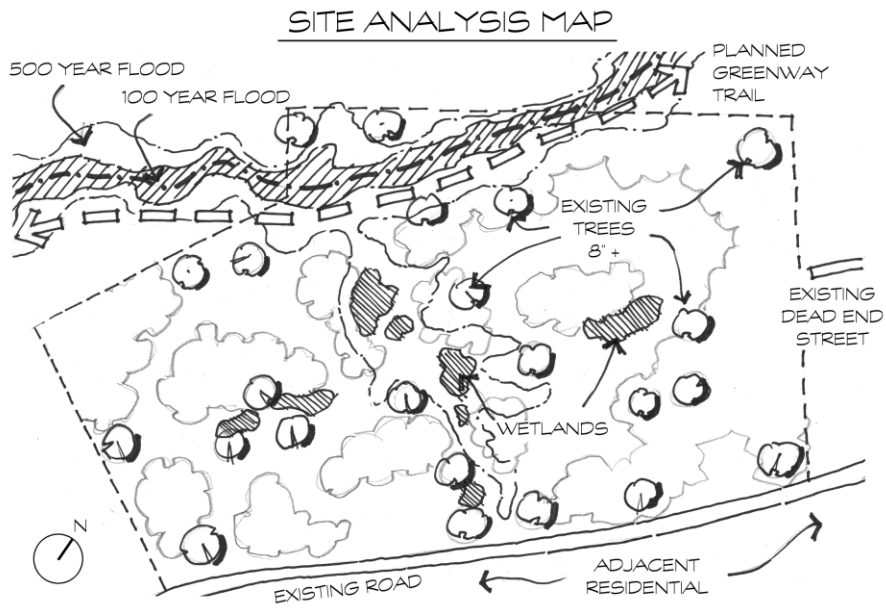
- D. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;
- E. To allow clustering of homes and orienting them closer to the street, thereby providing gathering places and encouraging the use of parks as focal points within the community;
- F. To encourage street designs that reduce traffic speeds and excessive reliance on main arteries for trips generated;
- G. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and
- H. To reduce perceived density by providing a maximum number of lots with direct access to and views of open space.

#### **712.02. General Regulations.**

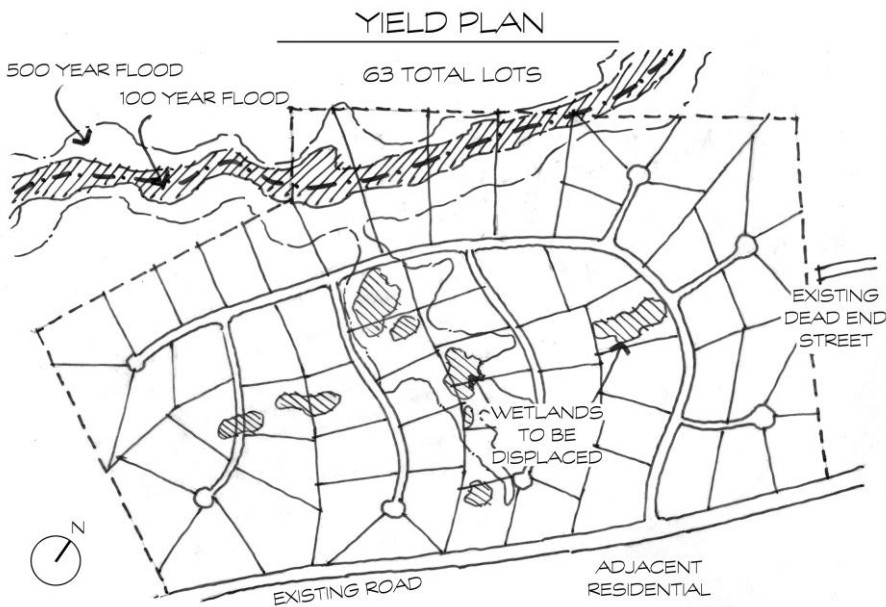
- A. **Applicability of Regulations.** The Conservation Subdivision is available as an option on properties directly affected by the presence of flood hazard areas, severe topography, and areas otherwise affected by Federal, State, or City environmental regulations. The Applicant shall comply with all other provisions of the Zoning Ordinance and all other applicable regulations, except those incompatible with the provisions herein.
- B. **Ownership of Development Site.** The tract of land to be subdivided and/or developed may be held in single, separate, and multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- C. **Density Determination.** The maximum number of lots on the site shall be determined, first by the preparation of a yield plan and then preparation of a conservation subdivision plan. The yield plan is a *conventional* subdivision plan conforming to the lot requirements of the applicable zoning district, but not including protected open space. The plan does not have to meet the formal requirements for a site design plan, but the design must be reasonably capable of being constructed given site constraints and applicable regulations. Following the preparation of the yield plan, the developer shall prepare a conservation subdivision plan which yields no more lots than identified within the yield plan. The conservation subdivision plan shall identify open spaces to be protected in accordance with §712.04 and may include lots which do not meet the size and setback requirements of the applicable Zone.

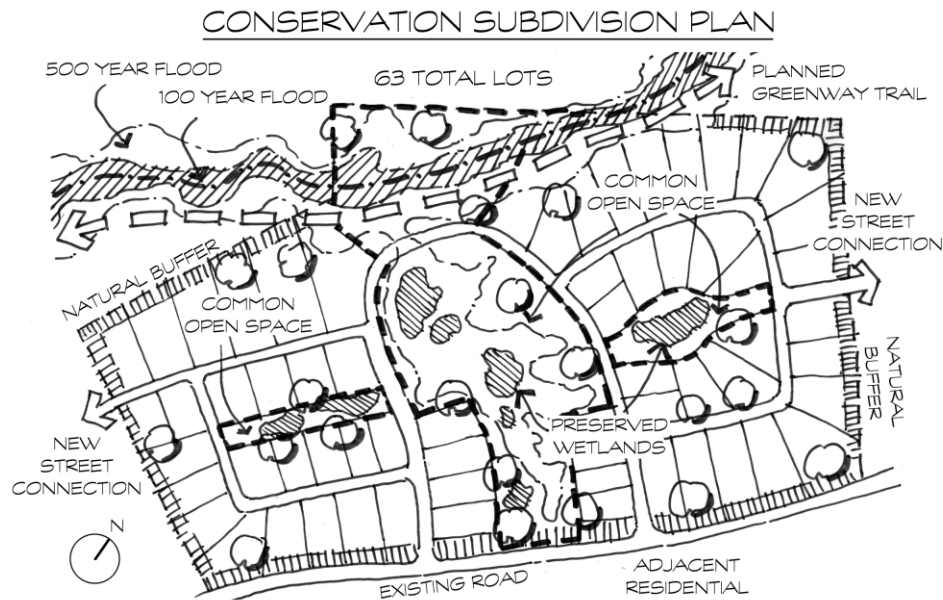
#### **712.03. Application Requirements.**

- A. **Site Analysis Map Required.** Concurrent with the submission of a site concept plan, the Applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this Article. The preliminary site plan shall include the following features:
  - 1. Property boundaries;
  - 2. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
  - 3. All boundaries of applicable regulated buffer areas, easements, and rights-of-way;
  - 4. Topographic features of no less than 5-foot intervals;
  - 5. All Primary and Secondary Conservation Areas labeled by type, as described in §712.04 of this Article;
  - 6. General vegetation characteristics;
  - 7. General soil types;
  - 8. Planned location of protected Open Space;
  - 9. Existing roads and structures; and
  - 10. Potential connections with existing greenspace and trails.



- B. Open Space Management Plan Required. An open space management plan, as described in § 712.04, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- C. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in §712.04, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
- D. Other Requirements. The Applicant shall adhere to all other applicable requirements of the underlying Zone and subdivision regulations.





#### 712.04. Open Space.

- A. Definition. Open Space is the portion of the conservation development or subdivision that has been set aside for permanent protection. Activities within the Open Space are restricted in perpetuity through the use of an approved legal instrument.
- B. Standards to Determine Open Space.
  1. The minimum restricted Open Space shall comprise at least 25% of the gross tract area.
  2. The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:
    - a. The 100-year floodplain;
    - b. Riparian Zones of at least 75 ft width along all perennial and intermittent streams;
    - c. Slopes above 25% of at least 10,000 square feet contiguous area;
    - d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
    - e. Populations of endangered or threatened species, or habitat for such species;
    - f. Existing trails that connect the tract to neighboring areas; and
    - g. Archaeological sites, cemeteries and burial grounds.
  3. The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible:
    - a. Important historic sites;
    - b. Existing healthy, native forests of at least one acre contiguous area;
    - c. Individual existing healthy trees greater than 8 inches caliper; and
    - d. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads; and
  4. Utility rights-of-way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 25% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
  5. At least 33% of the Open Space shall be suitable for passive recreational use.

6. At least 75% of the Open Space shall be in a contiguous tract. The Open Space shall adjoin any neighboring areas of Open Space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
  7. The Open Space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.
- C. The following uses shall be **permitted** within the Open Space:
1. Conservation of natural, archeological or historical resources;
  2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  3. Walking or bicycle trails constructed of porous paving materials;
  4. Passive recreation areas, such as open fields;
  5. Active recreation areas, provided that they are limited to no more than 10% of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space.
  6. Landscaped stormwater management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
  7. Easements for drainage, access, and underground utility lines;
  8. Other conservation-oriented uses compatible with the purposes of this ordinance.
- D. The following uses shall be **prohibited** within the Open Space:
1. Golf courses;
  2. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous sections;
  3. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
  4. Impoundments; and
  5. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.
- E. Ownership and Management of Open Space.
1. Ownership of Open Space in Residential Subdivisions. A homeowner's association representing residents of the conservation subdivision shall own the Open Space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the Homeowner's Association.
  2. Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities that:
    - a. allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
    - b. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the Open Space and outlines the means by which such funding will be obtained or provided;
    - c. provides that any changes to the Plan be approved by the Commission; and
    - d. provides for enforcement of the Plan.
  3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance



and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F. Legal Instrument for Protection of Open Space.

1. The Open Space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
  - a. A permanent conservation easement in favor of either:
    - 1) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
    - 2) a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.

If the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.

- b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  - c. An equivalent legal tool that provides permanent protection, if approved by the City.
2. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.

G. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the Open Space, the Tax Assessor of Jefferson County, shall be requested to reassess the Open Space at a lower value to reflect its more limited use. If the Open Space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment should be at a value of zero.

**Section 713. Garden Homes, Patio Homes.**

**713.01.** Subdivision of lots for garden / patio homes shall be restricted to tracts with a minimum site area of three acres.

**713.02.** Each home lot shall meet the following dimensional requirements:

- Minimum lot area: 5,500 square feet
- Minimum lot width: 50 feet
- Minimum Front Yard: 30 feet
- Minimum Side Yard: 10 feet
- Minimum Rear Yard: 20 feet

**713.03.** All parking access shall be from the rear of property.

**713.04.** Front porches may extend into the minimum front yard.

**713.05.** All utilities shall be placed underground; all lots shall be served by public water and sewer.

**Section 714. Townhouses.**

**714.01.** Subdivision of lots for townhouses shall be restricted to tracts with a minimum site area of at least 14,000 square feet. The maximum density shall be fourteen dwelling units per acre. Not more than eight contiguous dwelling units shall be permitted.

**714.02.** Each townhouse lot shall meet the following dimensional requirements:

- Minimum lot area--interior unit: 2,500 square feet
- Minimum lot area--end unit: 4,500 square feet
- Minimum lot width--interior unit: 25 feet
- Minimum lot width--end unit: 45 feet
- Minimum Front Yard: 20 feet
- Minimum Side Yard--end unit: 20 feet
- Minimum Rear Yard: 15 feet

**714.03.** All parking access shall be from the rear of the units.

**714.04.** All utilities shall be placed underground; all lots shall be served by public water and sewer.

**Section 715. Multiplexes.**

Multiplex. A building containing three or four attached multi-family dwellings.

**715.01.** The minimum site area shall be 12,000 square feet, and not more than four dwelling units per building shall be permitted.

**715.02.** Structure must face the street.

**715.03.** All parking areas shall be located to the rear of the building and set back at least 10 feet from the building.

**715.04.** All utilities shall be placed underground; all multiplexes shall be served by public water and sewer.

**Section 716. Mini-warehouses, Mini-storage.**

**716.01.** No storage space shall exceed 400 square feet in area and one story in height.

**716.02.** All storage space shall be served by a paved driveway of 12 feet minimum width for each direction of travel.

**716.03.** The entire site shall be enclosed by security fencing of eight feet minimum height and be kept lit with security lighting throughout.

**716.04.** No storage space shall be used for other than storage purposes.

**Section 717. Manufactured Home Parks.** All manufactured home parks shall be served by public water and sewer. Manufactured home parks, existing prior to the effective date of this ordinance, shall not be permitted to expand except where public water and sewer is provided. A site plan meeting the requirements as set out forth below is required to be submitted for approval of a manufactured home park:

**717.01.** Density. The minimum park size shall be twenty acres. The maximum density shall be five manufactured homes per acre, with only one manufactured home per lot if the park is subdivided.

**717.02.** General Requirements. There shall be set aside a recreational area or areas, within the manufactured home park, which shall be suitably restricted to such use. The size of the recreational area shall be compatible with the size of the park.

**717.03.** Space Requirements.

- A. Each manufactured home space or lot shall have a minimum area of 6,500 square feet, and a width of not less than 60 feet provided that no lot have less frontage on its access street than is required for a driveway allowing maneuverability of the home onto the lot.
- B. Manufactured homes shall be located with a minimum setback of 20 feet from the access street and five feet from any Lot Line, provided that no manufactured home shall be closer to any other manufactured home than 15 feet.
- C. Each manufactured home space and lot shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of 150 square feet, and one gravel or better home pad of a size equal to or greater than the dimension of the manufactured home located on the pad, but in no case less than ten feet by 40 feet.
- D. Permanent structures located within any manufactured home lot or space shall be used for storage purposes only, shall have a maximum area of 80 square feet and shall be located not less than six feet from any manufactured home nor closer to any Lot Line than provided herein.
- E. No permanent additions of any kind shall be built onto, or become a part of any manufactured home; provided, however, that this provision shall not be construed to prohibit the addition to the manufactured home of a patio cover or carport cover if same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the manufactured home.
- F. Proper blocking, anchoring, and securing of manufactured homes onto foundations shall be done in compliance with the Building Code and Jefferson County Health Department regulations.
- G. With the exception of access and ventilation openings, which shall be covered with wire mesh screen, the space beneath each manufactured home shall be enclosed. All enclosing materials shall be permanently installed and shall be opaque and rust and rot resistant, and shall extend from the lower edge of the exterior walls of the manufactured home to ground surface of the lot upon which it is located.

#### **Section 718. Telecommunications Towers.**

- 718.01.** Purpose. The purpose of these guidelines is to establish minimum considerations and criteria for the review of communication towers. It is the City of Clay's express intent that the construction of new towers be an option of last resort; to the greatest extent feasible, location of antennae on existing towers, and other suitable structures should first be sought. These guidelines are designed to ensure the compatibility of towers with and avoid adverse impacts to nearby properties and discourage the proliferation of towers throughout the City of Clay.
- 718.02.** Applicability. All communication towers and antennae shall meet the minimum requirements as prescribed in this ordinance and any additional regulations adopted by the City Council governing the development and construction of communication towers and antennae.
- 718.03.** Objectives. The proposed locations and design of all communication towers shall duly consider the following public health, safety and general welfare objectives:
- A. Structural Safety. The proposed tower will comply with wind loading and other structural standards contained in applicable building and technical codes so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.
  - B. View Protection. The proposed tower facility will be designed to minimize adverse visual impacts to surrounding properties and the public right-of-way, given the topography of the proposed site and surrounding area.
  - C. Land Use Compatibility. The proposed tower facility will be compatible with the surrounding land uses, given the character of the use and development of the location.
  - D. Design Harmony. The proposed tower facility will be designed in harmony with the natural setting and the surrounding development pattern as well as to the highest industry standards.
  - E. Existing Communication Services. The proposed tower facility will comply with FCC and other applicable agency standards so as not to interfere with existing communication services in the area.

F. Health Effects. The proposed tower will comply with all applicable federal, state, county and City health standards so as not to cause detrimental health effects to persons in the surrounding area.

**718.04. Development Criteria.** The Building Inspector and City Engineer shall review all communications towers requesting permits for compliance with the applicable standards and criteria listed below. These criteria are considered the minimum necessary to protect the public health, safety and general welfare. The Commission may also impose higher standards if it deems them to be necessary to further the objectives of this section.

A. Setbacks.

1. Where permitted, the distance between the base of the tower, including guys, accessory facilities and Lot Lines abutting Residential Zones, public parks and roads, must equal twenty percent (20%) of the tower height. Lot Lines adjacent to other uses (e.g. agricultural, industrial) shall require a setback equal to the Rear Yard setback established for the underlying Zone.
2. When located within or adjacent to a residential district or dwelling, the minimum standard setback from all adjoining residential property boundaries shall be fifty feet (50').
3. The Site Review by the Commission may reduce the standard setbacks in exceptional cases where a hardship would result due to unusual conditions on the site or other impracticalities. However, the Commission shall not reduce the setbacks to the detriment of affected residential properties.

B. Appearance.

1. Towers shall maintain a galvanized steel or concrete finish so as to reduce the visibility of the structure, unless other standards are required by the FAA.
2. The design of the tower shall be of a type that has the least visual impact on the surrounding area.
3. The design of the tower compound shall, to the greatest extent possible, maximize use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment.
4. Where communication towers are deemed appropriate for a given location, the type of tower shall be restricted to monopoles in or within 1,000 feet of residential areas and area of special aesthetic concerns such as commercial revitalization areas, historic districts and scenic corridors.

C. Lighting. Towers shall not be artificially lighted unless required by FAA or other authority for safety purposes. Where required, the Commission shall review the available lighting alternatives and approve that design that would cause the least disturbance to the surrounding views. "Dual lighting" (red at night/strobe during the day) shall be preferred unless restricted by the FAA. Security lighting may be permitted in accordance with requirements for "Security Devices" below.

D. Landscaping.

1. A landscaped buffer shall effectively screen the view of the tower compound from adjacent public ways and residential properties.
2. The standard buffer shall consist of a minimum eight feet (8') wide landscaped strip outside the dark vinyl coated steel security fencing of the perimeter of the compound. The buffer strip shall be planted with an attractive combination of trees, shrubs, vines and/or ground covers that can achieve the full height of the fence at maturity and enhances the outward appearance of the security fence. For sites within 1,000 feet of a residence, the Site Review by the Commission may impose increased buffer standards to include a decay-resistant, solid wood fence, earth berms and brick or masonry walls in addition to the security fencing. All fencing and landscaping shall be maintained by the lessor/owner.
3. In isolated non-residential areas, alternative landscaping methods may be accepted, such as the use of earth toned colored, vinyl-coated steel security fencing in combination with four feet of evergreen trees, shrubs, vines and/or other plantings.
4. In certain locations where the visual impact of the tower would be minimal, such as remote, agricultural or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Commission.

5. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.
  6. Cellular facilities utilizing underground vaults in lieu of above ground switching gear buildings shall be exempted from any buffer requirements.
  7. Security Devices. The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel fence shall be installed around the entire perimeter of the compound (measured to the top of the fence or barbed wired, if applicable). Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the compound shall be permitted, if deemed necessary to fully secure the tower compound.
  8. Access. Driveways and parking shall be provided to assure the operator's access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.
  9. Co-Location. No new tower shall be established if space is structurally, technically and economically available on an existing tower, which would serve the area that, the new tower would serve. Documentation that reasonable efforts have been made by the applicant to achieve co-location shall be submitted in accordance with the requirements of this Section. Towers shall be designed to maximize shared use to the greatest extent possible, given the structural and technical limitations of the type of tower proposed. In any event, co-location shall be encouraged. If feasible, each tower shall, at a minimum, be designed for double its intended use for all transmitting and receiving antennae other than microwave dish antennae.
  10. Removal of Obsolete Towers. Any tower that is no longer in use for its original communications purpose shall be removed at the owners' expense. The owner shall provide the Building Inspector with a copy of the notice of the FCC of intent to cease operations, which shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structures. In the case of multiple operators sharing use of single tower, this provision shall not become effective until all users cease operations.
- 718.05. Application.** Any application submitted for approval shall submit the following items, in addition to any other required items, to show compliance with these review standards.
- A. Statement of Impact on Health, Safety and Welfare. A brief written statement shall address conformance with the health, safety and welfare objectives of this guideline.
  - B. Site Plan. A scaled site plan shall show the location and dimensions of all improvements, including setbacks, drives, parking, fencing, landscaping, and other information necessary to determine compliance with the development criteria of these guidelines.
  - C. Rendering. A rendering of the tower, accessory facilities and compound shall depict colors, materials and treatment. If lighting or other FAA requirements for tower color is proposed, evidence of such requirement shall be submitted.
  - D. Justification for a New Tower. A proposal for a new tower shall be documented by the applicant that the planned equipment for a proposed tower cannot be accommodated on an existing tower within the proposed service area. The applicant shall submit a written affidavit showing what attempts have been made to share an existing tower or that no such tower exists.
  - E. Certification of Shared Use Design. A qualified engineer, registered in the State of Alabama, shall certify that the proposed tower's structural design can accommodate a minimum of two (2) shared users, in accordance with §718.04.
  - F. As Built Survey. A qualified professional engineer, registered in the State of Alabama, shall certify that the proposed communication tower was built in accordance with the submitted site plan including the installation of any required buffer yard.
  - G. Total anticipated capacity of the structure, including the number and types of antennae that can be accommodated.

- H. Mitigation measures for ice and other hazardous falling debris, including setbacks and de-icing equipment.
- I. Where applicable, adequate parking shall be provided, along with buffers where such tower abuts any Residential Zone. Such towers shall be prohibited in any Residential Zone of the City of Clay, Alabama.

**718.06.** Exceptions. Towers camouflaged to resemble woody trees or indigenous vegetation in order to blend in with the native landscape will be subject to administrative review by the Building Inspector, as are other types of concealment techniques. Concealment techniques are design methods used to blend a wireless telecommunications facility, including any antennas thereon, unobtrusively into the existing surroundings. Such structures shall be considered wireless telecommunications facilities and not spires, belfries, cupolas, or other appurtenances usually required to be placed above the roof level for purposes of applying height limitations. Due to their height, such structures must be designed with sensitivity to elements such as building bulk, massing and architectural treatment of both the wireless telecommunications facility and surrounding development. Concealed towers on developed property must be disguised to appear as either a part of the structure housing, a principal uses, or an accessory structure that is normally associated with the principal use occupying the property. Concealed towers developed on unimproved property must be disguised to blend in with existing vegetation. *Example:* A tower of such design and treated with architectural material so camouflaged to resemble a woody tree with a single trunk and branches on its upper part (also known as a “monopine”).

### **Section 719. Group Homes.**

- 719.01.** A group home shall only be permitted in a detached dwelling unit situated on a lot having a minimum area of ten thousand (10,000) square feet and shall provide a minimum of three hundred and fifty (350) square feet of habitable floor area for each resident.
- 719.02.** There shall be no more than six (6) persons permitted to occupy a group home, excluding staff personnel.
- 719.03.** Common kitchen and dining facilities may be provided, however, no cooking or dining facilities shall be provided in individual resident's rooms.
- 719.04.** A group home shall be affiliated with a parent organization, which provides for the administration of the group home through the direction of a professional staff.
- 719.05.** A group home shall not be located within two thousand (2000) feet of another group home.
- 719.06.** A group home shall comply with all applicable safety, fire, accessibility and building codes as required by federal, state and local governments. The applicant shall demonstrate compliance with all State requirements for group homes.
- 719.07.** A minimum of four (4) off-street parking spaces shall be provided.
- 719.08.** The applicant shall demonstrate that adequate public sewer and water service is available to the proposed group home.

### **Section 720. Pub Restaurants.**

- 720.01.** A dining area shall be provided of at least 800 square feet and equipped with tables and chairs accommodating at least 25 persons at one time;
- 720.02.** At least one meal shall be served per day of operation;
- 720.03.** Such place shall be duly licensed by the ABC Board for the sale of liquor, malt or brewed beverages and/or table wines for on-premises consumption; and
- 720.04.** The serving of such food or meals shall constitute the principal business of such establishment, with the serving of liquor, malt or brewed beverages and/or table wines being only an incidental part of the business. During any 90-day period, the gross receipts from the serving of meals and food shall constitute 60 percent or more of the gross receipts of the business.

**Section 721. Veterinary Clinics, Veterinary Hospitals.**

**721.01.** Veterinary facilities shall not be located within two hundred (200) feet of an RL, RM, or RH Zone.

**721.02.** All areas where animals have access or are kept shall be soundproofed to contain all sounds on-site prior to the issuance of a Certificate of Occupancy.

**721.03.** All waste material shall be stored in closed containers that are screened from all streets and adjoining properties by a fence, wall or plant screen at least as high as the containers.

**721.04.** Emission of any offensive odors is not permitted at any time.

**Section 722. Temporary Outdoor Sales.**

**722.01.** Applicability. This section sets standards for temporary outdoor sales activities, including produce stands and seasonal sales. **Permanent** outdoor retail sales as a principal use shall be subject to all provisions of the Zones in which they occur.

**722.02.** General requirements. The following standards apply to all temporary outdoor retail sales activities unless otherwise provided by this section.

1. Hours of operation: Daylight hours only, with all sales facilities, signs and any related vehicles removed from the site at the close of daily business. Night operations are allowed only when specifically authorized through Conditional Use Permit approval unless otherwise provided by this section.
2. Parking requirement: None, provided sufficient open area is available to accommodate all employee and customer parking needs on the site, entirely outside of public rights-of-way other than designated on-street parking spaces.

B. Food sales. The sale of raw or processed foodstuffs is subject to the applicable regulations of the Jefferson County Health Department.

C. Setback. All sales areas shall be setback from adjacent rights-of-way no less than thirty (30) feet.

D. Permission of Property Owner. Where the vendor is other than the property owner, the vendor shall provide the Zoning Officer a written agreement signed by the property owner authorizing the temporary use of the property by the vendor for temporary outdoor sales.

E. Association with an Existing Building. Generally, temporary outdoor sales shall occur only on lots with an existing, occupied building. However, exceptions may be specifically authorized through Conditional Use Permit approval.

**722.02.** Produce Stand. A produce stand pursuant to this section is the temporary use of a site for the sale of food and farm produce items from a structure intended for that purpose or from parked vehicles and requires a Conditional Use Permit.

A. Limitation on use. Produce stands are limited to the sale of food and produce items, including raw and prepared foodstuffs, plants and cut flowers. Livestock and poultry are prohibited.

B. Duration of use. Produce stands shall occur no more than three days per week on any site, unless otherwise provided for in the applicable Zone.

**722.03.** Seasonal Sales. Seasonal sales include the retail sale of holiday vegetation, including pumpkins and Christmas trees or other similar activity. Seasonal sales shall be of a non-commercial nature and sponsored by a group of persons residing in the City. Such sales shall not be required to obtain a Conditional Use Permit.

A. Time limit. The length of time during which seasonal sales may occur is limited to 30 days.

B. Hours of operation: 8:00 am to 9:00 pm for seasonal sales.

**722.04.** Sales from parked vehicles. Sales from parked vehicles are prohibited except in an approved produce stand.

**Section 723. Camper Parks.**

- 723.01.** Developer shall furnish a sketch of the layout of camper trailer spaces, tent spaces, driveways, buildings, utilities and recreational area.
- 723.02.** Each camper trailer park shall contain a minimum of five (5) acres.
- 723.03.** Sewerage facilities, washroom or toilet facilities, and water supply shall comply with all state and county sanitary regulations governing tourist camps, cabin camps, tent camps, trailer camps and similar establishments.
- 723.04.** The Park shall afford proper drainage and same shall be approved by the county engineer.
- 723.05.** Parks shall be restricted to towed campers or travel trailers not exceeding thirty-one (31) feet in length, and to self-propelled vehicles not exceeding forty (40) feet in length.
- 723.06.** Parks shall be surrounded by an unoccupied open space or buffer strip fifty (50) feet wide on all sides. The inside twenty (20) feet may be used for a driveway.
- 723.07.** Lot Sizes.
- A. Minimum lot area - 1,600 square feet
  - B. Minimum lot width - 30 feet
- 723.08.** Driveways.
- A. Minimum - Twenty (20) feet two-way traffic: Twelve (12) feet one-way traffic
  - B. Maximum Grade - Six percent (6%)
  - C. Minimum curve radius - fifty (50) feet
  - D. Surface requirements. Minimum four (4) inch sub-base with clay or gravel surface. Regular and adequate maintenance required to afford circulation of traffic and suitable surface for travel.
  - E. Adequate turnarounds shall be provided with no dead end streets.
- 723.09.** Electrical Requirements.
- A. Electrical outlets shall meet the minimum standards of the National Electrical Code.
  - B. Washrooms or toilet facilities shall remain lighted at night.
  - C. Outdoor lighting is required along pathways to restrooms at a maximum of one hundred (100) feet apart, not exceeding three (3) feet above ground and reflected downward, or as may be approved by the Building Inspector to provide adequate visibility.
- 723.10.** Camper parks may contain accessory buildings necessary for the operation of the park such as bathhouses, rest room, laundry rooms, offices, recreation buildings, if approved by the Commission. One (1) single family residence is allowed on site for occupancy by the owner operator only, for each one hundred (100) campsites or portion thereof.
- 723.11.** The Commission shall have the right to require any other improvements deemed necessary for proper layout and design, or health, safety, convenience and general welfare of the residents of the City.

**Section 724. Assisted Living Facility.**

- 724.01.** General Standards. No Certificate of Occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, and local agencies.
- 724.02.** Locational Standards: Development shall be located on an arterial street, or collector street. Off-site grocery and other commercial and medical conveniences should be within the ability of aged persons to reach them easily: by walking safely to them (within 2,000 feet on level sidewalks) or by transportation provided by project and facility owners with frequent daily schedule service within a 5-10 minute ride to grocery and other commercial and medical conveniences. The location, design, and operating characteristics of the use shall be compatible with and not adversely affect adjacent properties and the surrounding area. The proposed development shall be harmonious with surrounding buildings with respect to scale, architectural design, and building placement. The street network shall be capable of accommodating the traffic generated by the proposed use.



**724.03. Site Standards.** Requests for an increase in the number of units per building may be approved by the Board of Adjustments where access to public water and sewer is provided.

- A. These facilities should be designed so as to cluster the residential units and associated buildings based on the net density and provide sufficient open space and amenities areas.
- B. Ten percent of the total parking spaces shall be designated as handicap accessible.
- C. Each unit shall contain at least 400 sq. ft. of Gross Floor Area.

**724.04. Area Regulations.** All buildings shall be set back from the street right-of-way and from all Lot Lines as required by the Zone within which the development is located except: Where adjacent to a residential or agricultural Zone, the minimum setback shall be 50 feet. Where adjacent to a state highway, the minimum setback shall be 50 feet.

### **Section 725. Independent Living Facilities.**

#### **725.01. Single Building.**

- A. Entrances to individual units shall be from the interior of the building. Mailboxes and laundry rooms shall also be within the same building.
- B. Parking areas shall be setback no less than 15 feet from the building and a sidewalk of no less than 5 feet in width shall be provided between the building and parking area.
- C. No less than 20% of the site area shall be improved for the passive recreational use of tenants.
- D. All utilities shall be placed underground; and all independent living facilities shall be served by public water and sewer.

#### **725.02. Complex.**

- A. Minimum site area: 12,000 square feet.
- B. All buildings shall be set back at least 15 feet from all parking areas. A sidewalk of no less than 5 feet in width shall be provided between all buildings and parking areas.
- C. Buildings shall be spaced front-to-front, front-to-rear, front-to-side, and rear-to-rear at least to a distance equal to twice the tallest building height and spaced side-to-side and side-to-rear at least to a distance equal to the tallest building height.
- D. No less than 20% of the site area, and not less than 2,500 square feet, shall be improved for the passive recreational use of tenants.
- E. All utilities shall be placed underground; and all independent living complexes shall be served by public water and sewer.

### **Section 726. Upper-Story Dwellings.**

**726.01.** Generally. Upper-Story dwellings in mixed-use buildings shall be located on a floor level above a use of another type (i.e. institutional, office, retail or service, etc.). In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Building Code.

**726.02. Single-Family Dwelling in a Mixed-Use Building.** Single-family dwellings in mixed-use buildings are primarily intended for the occupancy of the owner or manager of the associated use or uses within the building. In such cases, the dwelling unit may be accessible from within the associated use. In all other cases, access to the single-family dwelling unit shall be from the exterior of the building or other entrance separate from the use(s) within the ground floor of the building.

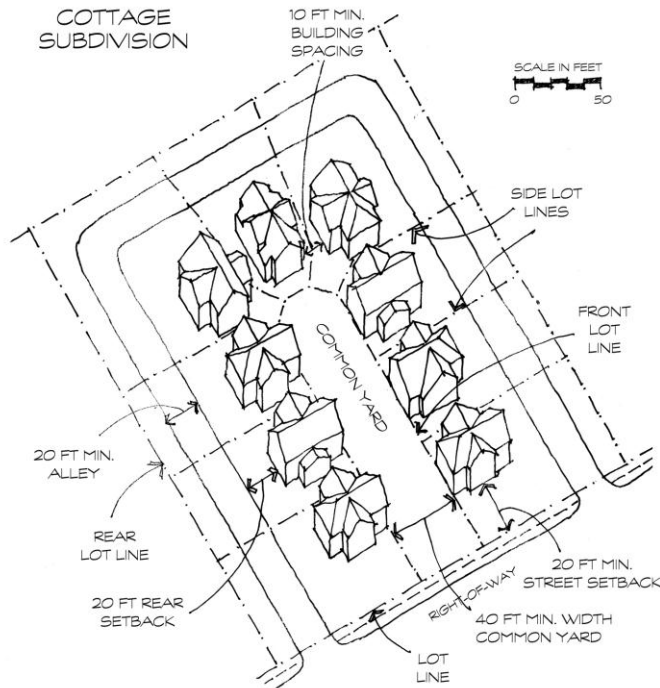
**726.03. Multi-Family Dwellings in a Mixed-Use Building.** Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building. Dwelling units shall not be accessible directly from another unit or use within the building.

### **Section 727. Cottage Subdivisions.**

**727.01.** Cottage homes shall be developed in clusters of minimum 4 to a maximum of 12 homes.

**727.02.** Cottage homes shall be oriented around and have covered porches or main entry from a common open space.

- A. Common open space shall be maintained by a Condominium or Homeowners' Association.
- B. Common open space shall be at least 250 square feet per cottage home.



**727.03.** Cottage homes shall have a covered porch at least 60 square feet in size.

**727.04.** All structures shall maintain adequate fire separation in compliance with the Building Code.

**727.05.** Parking for cottages shall be accessed by a common driveway or alley of a width necessary to accommodate turning into parking spaces. Parking spaces shall:

- A. be clustered and separated from the common area by landscaping, wall or architectural screen;
- B. be screened from streets and adjacent residential uses by landscaping, wall or architectural screen; and
- C. not be permitted within 40 feet of a public street.

**727.06.** Setbacks for all structures from Interior Lot Lines shall be an average of 10 feet, but not less than 5 feet, except 15 feet from a public street. Buffers and setbacks from exterior Lot Lines shall be in accordance with the requirements of the applicable Zone.

**Section 728. Auto Dismantling, Junk and Salvage Yards.**

**728.01.** In addition to the buffer requirements of §604 and screening requirements of §605, auto dismantling, junk and salvage yard operations shall conform to the following requirements:

- A. A minimum eight (8) foot wall, privacy fence or other suitable screen shall be provided to block views of all outdoor storage areas from adjacent public streets and neighboring properties.
- B. All wrecked cars, cars to be dismantled, and other junk will be stored at all times to the rear (behind) the required screen.

**Section 729. Public Utility Facilities.**

**729.01.** Location. Public utility facilities shall be situated on site to minimize visibility from adjacent businesses and dwellings through the use of existing topography and vegetation and further situated to maximize distance between any buildings on adjacent lots. The facility and its perimeter screening shall be setback no less than 50 feet from any non-residential building and no less than 100 feet from any dwelling.

**729.02. Landscaping Buffer and Screening.**

- A. A landscaped buffer shall effectively screen the view of the facility from adjacent public ways and residential properties.
- B. The required buffer shall consist of a landscaped strip of at least fifteen feet in width along the perimeter of the facility. The buffer strip shall be planted in accordance with the landscaping standards of §604.
- C. For sites within 1,000 feet of a residence, screening shall include a decay-resistant, solid wood fence, brick or masonry walls, or a combination thereof.
- D. All fencing and landscaping shall be maintained by the owner.
- E. In locations where the visual impact of the facility would be minimal, such as remote, agricultural or rural locations, or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the Commission.
- F. Existing mature tree growth on the site shall be preserved to the maximum extent possible. In some cases, such as towers located on large, wooded lots, preservation of substantial natural growth around the property perimeter may be a sufficient buffer.

**729.03. Security Devices.** The facility shall be fully secured. A minimum eight feet (8') high, dark vinyl coated steel or wood fence, brick or masonry wall, or combination thereof shall be installed around the entire perimeter of the facility. Security fencing shall require screening in accordance with landscaping requirements, as defined above. Other security measures shall include locks and alarms. Approved barbed or razor wire and lighting of the facility shall be permitted, if deemed necessary to fully secure the facility.

**729.04. Access.** Driveways and parking shall be provided to assure access to the facility for maintenance or emergency services. In some cases, parking/access may be from an adjoining alley, public street or off-street parking area.

**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.

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## **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 six (6) months 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 six (6) months 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 six (6) months 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 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 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 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.

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**ARTICLE 9. PARKING REGULATIONS.**

**Section 901. Off-Street Parking.** There shall be permanent off-street parking in the amount specified by this Article at the time of the erection of any building, when any principal building is enlarged or increased in capacity by the addition of dwelling units, guest rooms, seats or floor area, or before conversion from one unit of occupancy to another. Such parking shall be provided within a parking garage, a surface parking lot or in driveways serving single-family detached dwellings. Parking facilities provided in accordance with this Ordinance shall not subsequently be reduced below the requirements of this Article.

**901.01. Parking Lots to be Improved.** Parking lots are intended to provide for the off-street parking space required by this Article and shall be improved, in accordance with the requirements of this Article and the applicable standards of the City of Clay Design and Construction Specifications, and maintained in perpetuity by the owner. All parking spaces, excluding those on the lots of one, two, and three family dwellings shall be striped.

**901.02. Joint Use of Parking Lots.** The number of parking spaces required for one use shall not be considered as all or part of the required parking for another use on the same or separate lot except in conformance to §903.

**901.03. Certification of Parking Requirements.** Each application for zoning approval shall include information as to the location and dimensions of off-street parking spaces and the means of ingress and egress between such spaces and adjacent thoroughfares or alleys. This information shall be in sufficient detail to allow an accurate determination of conformance with this Article. Zoning approval for the use of any building, structure or land where off-street parking is required shall be withheld until the provisions of this Article are fully met.

**901.04. Free Flow of Traffic and Pedestrian Protection.** Ingress and egress for parking facilities shall conform with the requirements of the Design and Construction Specifications. Wherever a reservoir or vehicle standing area is deemed necessary by the Zoning Officer to prevent such blocking of traffic, such reservoir shall be required.

**901.05. No Backing onto Public Thoroughfares.** Except for dwellings in Residential Zones, adequate turning space shall be provided so that no vehicle shall be required to back out into a public thoroughfare.

**901.06. Use of Setback Space.** In non-Residential Zones, parking areas shall be provided behind the front building line of the principal building or structure and the use of required setbacks for parking shall be restricted according to the provisions of the applicable Zone and the buffer requirements of the applicable Zone or use. In Residential Zones, parking shall be permitted on driveways; however, no vehicle parked on a driveway shall extend into the right-of-way or block pedestrian travel on a sidewalk.

**901.07. Dimensional Requirements of Parking Spaces.** Parking space dimensions shall be in accordance with the minimum requirements described in Table 901A. Compact car spaces may be provided but shall not exceed a ratio of 1 compact car space : 3 standard spaces.

<b>901A Dimensional Requirements of Parking Spaces</b>		
Type of Space	Width	Length
Parallel Standard	8 ft	22 ft
Parallel Compact	8 ft	18 ft
Angled / Perpendicular Standard	9 ft	18 ft
Angled / Perpendicular Compact	8 ft	15 ft

**Section 902. Parking Requirements by Use.** The number of off-street automobile parking spaces shall be required to conform the following thresholds for the various types of uses described in Table 902A, except as otherwise provided in §903 for shared parking. Any fractional space calculated according to Table 902A shall be computed as a whole space.

**902.01. Availability of On-Street Parking.** In non-residential areas where on-street parking is existing or required by the Subdivision Regulations, on-street parking spaces directly abutting the use may be counted toward the parking requirement for the use. On-street handicap parking spaces shall not be counted. No on-street parking space may be counted toward two or more uses.

**902.02. Use Not Specified.** Where a use is not specifically identified herein, the parking space requirements of a similar or related use shall apply.

**902.03. Parking Above Maximum Desired.** Where a developer prefers to provide “overflow” parking or parking space in excess of the maximum provided herein, such as to meet intermittent high demands for parking (i.e. holiday shopping), such excess space shall be provided upon a pervious parking surface as approved by the City Engineer.

**TABLE 902A: PARKING REQUIREMENTS BY USE**

Type of Use	Minimum	Maximum
Single-family, two-family, and three-family dwellings	2 per dwelling unit	none
Apartments and Condominiums <ul style="list-style-type: none"> <li>▪ studios and one-bedroom units</li> <li>▪ two-bedroom units</li> <li>▪ three- or more bedroom units</li> </ul>	<ul style="list-style-type: none"> <li>▪ 1 per unit</li> <li>▪ 1.5 per unit</li> <li>▪ 2 per unit</li> </ul>	<ul style="list-style-type: none"> <li>▪ 1.5 per unit</li> <li>▪ 2 per unit</li> <li>▪ 3 per unit</li> </ul>
Places of Worship and Assembly Halls	1 per 325 gross sf or 1 per 5 seats in the main assembly area (whichever is greater)	1 per 275 gross sf or 1 per 3.5 seats in the main assembly area (whichever is less)
Health Club	1 per 120 gross sf	1 per 90 gross sf
Lodging	1 per guestroom plus 1 per 500 sf of common area	1 per guestroom plus 1 per 250 feet of common area
Industrial	1 per 500 sf or 2 spaces per 3 employees on the maximum working shift (whichever is greater)	1 per 400 sf or 3 spaces per 3 employees on the maximum working shift (whichever is less)
Medical Office	1 per 225 gross sf	1 per 190 gross sf
Office	1 per 325 gross sf	1 per 280 gross sf
Restaurants, Pub Restaurants, Bars, and Indoor Entertainment	1 per 125 gross sf	1 per 90 gross sf
General Retail	1 per 250 gross sf	1 per 200 gross sf
Day Care Facilities	1.5 spaces per employee plus adequate area for loading and unloading children	2.25 spaces per employee plus adequate area for loading and unloading children
Elementary and Middle/Junior High Schools	1 per 4 seats in assembly room plus 0.75 per daytime employee	1 per 4 seats in assembly room plus 1 per daytime employee
High School	1 per 4 seats in assembly room plus 1 per daytime employee	1 per 3.5 seats in assembly room plus 1 per daytime employee
Private Club or Lodge	1 per 250 gross sf	1 per 200 gross sf

Assisted Living Facilities	1 per 6 residents	1 per 4 residents
Independent Living Facilities	1 per 4 residents	1 per 3 residents
Outdoor Entertainment/Recreation	as recommended by the Zoning Officer on a case-by-case basis	
Funeral Home	1 per 60 sf per funeral service room	1 per 40 sf per funeral service room
Community Center	10 plus 1 space per 450 sf over 2,000 sf	10 plus 1 space per 375 sf over 2,000 sf

**Section 903. Parking Reductions for Shared Parking.** In circumstances involving a combination of uses sharing a common parking area(s) for which compliance with the conventional requirements of Section 902 might create total parking in excess of actual need, such shall be determined and certified by the Zoning Officer and subsequently approved by the Commission.

**903.01.** Reductions shall only be approved when a written agreement between the owners of such parking areas has been provided to the Zoning Officer and where the parking areas are commonly shared and interconnected by an alley or shared drive and by pedestrian walkways. Reductions shall only be applicable to uses on the same block and where each space to be shared is no greater than 600 ft from an entrance to any of the uses sharing such parking and shall be applied according to the percentage reductions as provided in Table 903A. Such reductions shall be calculated based on the sum of the minimum requirements for all individual uses on the site as required within the Zoning Ordinance. Where more than two different uses are proposed, the total allowable reduction shall be calculated using the smallest possible reduction factor of the various uses proposed, as described below:

<b>TABLE 903A: Parking Requirement Reductions for Shared Parking Areas</b>				
Use Mix	Residential	Lodging	Office	Retail
Residential	0%	9.09%	28.57%	16.6%
Lodging	9.09%	0%	41.17%	23.07%
Office	28.57%	41.17%	0%	16.66%
Retail	16.66%	23.07%	16.66%	0%

**Example 1:**

*Uses proposed: 10 (2 bedroom) residential units, 10 (1 bedroom units), 20,000 sf retail*

*Base requirement: 1.5 spaces per 2 bedroom unit – total 15 spaces  
 1 space per 1 bedroom unit – total 10 spaces  
 5 spaces per 1,000 sf leasable area – total 100 spaces*

*Total base requirement: 125 spaces*

*Possible Spaces to be shared: 25 residential / 25 retail (50 spaces)*

*Allowable Reduction: 16.66% of 50 spaces = 8 spaces*

*Reduced total requirement: Total (125) – Reduction (8) = 113 spaces*

**Example 2:**

*Uses proposed: 20 (2 bedroom) residential units, 20,000 sf retail, 20,000 sf office*

*Base requirement: 1.5 spaces per 2-bedroom unit – total 30 spaces  
 1 space per 1,000 sf leasable area – total 100 spaces  
 3.0 spaces plus 1.0 spaces per 400 sf above 1,000 sf – total 51 spaces*

*Total base requirement: 181 space*

*Possible Spaces to be shared: 30 residential / 30 retail / 30 office (90 spaces)*

*Allowable Reduction: 16.66% of 90 spaces = 14 spaces*

*Reduced total requirement: Total (181) – Reduction (14) = 167 spaces*

**903.02.** Wherever a use for which highest parking demand occurs at a different time from other uses on the same lot or block, the parking requirement for the combined uses may be reduced in accordance with a recommendation by the Zoning Officer and as approved by the Commission.

**Section 904. Parking Lot Landscape Requirements.** All parking lots containing ten or more spaces shall be required to have installed landscaping improvements in accordance with the Design and Construction Specifications and according to the Site Plan approved by the Commission. When existing parking lots, established prior to the effective date of this Ordinance and amendments thereto, are to be expanded by ten (10) or more additional spaces, the parking lot shall be improved in accordance with the provisions of the aforementioned requirements.

**Section 905. Off-Street Loading and Unloading Areas.** In each non-Residential Zone, adequate off-street loading and unloading space shall be provided on the same premises with every building or part thereof hereafter erected or occupied for any use which involves the receipt or distribution of materials or merchandise by motor vehicle. This space shall be so placed and arranged as not to interfere with the free movement of vehicles and pedestrians over a public road. The adequacy of such loading and unloading areas shall be determined by the City Engineer and/or Building Inspector.

## **ARTICLE 10. SIGN REGULATIONS. (See Ordinance 2010-02)**

### Section A Purpose and Intent

The City of Clay recognizes that signs perform an important function in identifying properties, businesses, services, residences, events, and other matters of public interest. It is the intent of this Ordinance to:

1. To encourage the most effective way to use signs as a means of communicating for businesses, organizations and individuals of the City;
2. To provide for adequate business identification, advertising, and communication;
3. To prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the City;
4. To protect the safety and general welfare of the public by minimizing congestion on the streets from hazards to pedestrians and vehicular traffic;
5. To minimize the possible adverse effects of signs on nearby public and private property;
6. To promote the health, safety and general welfare of the citizens of the City;
7. To prohibit billboards in the City.

This Article is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

### Section B Applicability

These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and / or installed in every zoning district in the City, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

The regulations contained herein shall govern all signs, both presently existing and hereafter erected or displayed; however, said regulations shall not waive or repeal additional requirements of other applicable ordinances. Furthermore, for the purposes of this Article, all signs shall be considered "uses" in their own right and, as such, shall be subject to the other regulations in the City of Clay Zoning Ordinance.

Signs necessary to promote health, safety and welfare and other regulator, statutory, traffic control or directional signs erected on public property with permission as appropriate from the City, the State of Alabama, or the United States and signs established by, or by order of, any government agency on public property are exempt from these regulations.

### Section C Definitions

Words and phrases used in this Article shall have the meanings defined in this Section. Words and phrases not defined in this Article, but defined elsewhere in the City of Clay Zoning Ordinance, shall be given the meaning contained therein.

1. Abandoned Sign– Any sign that advertises a business, tenant, owner, product, service or activity that is no longer located on the premises where the sign is displayed. Any sign that has a separate electrical meter that has been disconnected is considered an abandoned sign.
2. A-frame Sign- Any sign that has two sides that are not connected to each other at the bottom

but are connected to each other along the top. An A-frame sign is a portable sign, even if it has a temporary message on it.

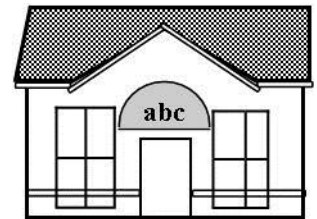
- 3. **Animated Sign**– A sign with moving, revolving, or rotating parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles.



A-frame Sign

- 4. **Auxiliary Sign**– Any sign indicating general information, such as no trespassing, warning, trading stamps, credit cards accepted, official notices, or services required by law, or giving directions to offices, alarm company protection, restrooms, exits, and like facilities. Auxiliary signs shall not include advertising content and are typically permanent though content may change.

- 5. **Awning Sign**– A sign directly painted or otherwise directly affixed to an awning, including lettering and / or logo printed upon or attached to a building awning or service station canopy. Awning signs are not projecting signs or banner signs.



Awning Sign

- 6. **Background**– The area of a sign around the text, logo or message. The background does not include the frame, supports, etc.

- 7. **Balloon**– A flexible material with air inside to provide lift or form while the weight of the item or an attached string, chord, rope, or ribbon prevents the item from floating off the premises.

- a. In all Zones, any balloon with a commercial message or message of an event or advertising a non-profit organization or religious organization is considered a temporary sign if it has a temporary message and is considered a portable wind or inflatable sign if the message is not temporary. In all Zones, any balloon that does not contain a commercial message and is two and a half (2.5) square feet of sign face area or less, is not considered a sign.

- b. In Nonresidential Zones, a balloon that is filled with “hot air” or continuously forced air, or is inflated by a fan or blower and is larger than two and a half (2.5) square feet of sign face area shall be considered a portable wind or inflatable sign, whether it contains a commercial message or not. (See definition for wind sign.)

- c. In Residential Zones, all balloons, no matter the size, that do not contain a commercial or religious or nonprofit organization message are not considered signs.

- 8. **Banner Sign**– Any sign of lightweight fabric or vinyl, or similar material mounted to any structure, pole, or fence at one or more edges.

- a. National, state, and municipal flags and the official flag of any institution shall not be considered signs.

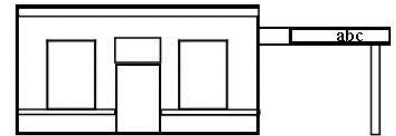
- b. Awning signs are not banner signs.

- c. In Residential Zones, decorative flags that do not contain a commercial message or advertisement are not considered signs.

- d. In Non-residential Zones, flags and other banners that contain a temporary commercial message or temporary message for a non-profit or religious organization or event are considered temporary signs. In Non-residential Zones, flags and other banners that are decorative or contain a non-temporary commercial message or non-temporary message for

a non-profit or religious organization (except official flag of an institution) are considered portable signs.

9. Beacon– Illumination that is directed skyward or toward the public, away from a sign or building, for the purpose of drawing attention to that premises.
10. Bench Sign- Signs displayed on a bench that rests on top of pavement or the ground with messages, logos or advertisements attached. Bench signs are portable signs, unless it is inserted into the ground or affixed to a permanent structure. Any bench containing a sign or with signs and is inserted into the ground or attached to a permanent structure is a permanent sign.
11. Billboard Sign– Any off-premise outdoor advertising sign that is owned by a person, company or legal entity that engages in the renting or leasing of advertising space on signs for dissemination of information or for a business, service, commodity, activity, or entertainment at a location other than the premises on which said sign is located. This definition shall not include signs erected or maintained by the State Department of Transportation or by an entity authorized by the state providing direction or information to the traveling public.
12. Building Sign– A sign permanently attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs.
13. Bulletin Board Sign- A portion of an on-premises sign containing changeable general information or announcements of events or activities occurring at a business, institution or similar messages. A marquee area in a permanent sign is considered a bulletin board sign.
14. Bunting- Flags and long strips of cloth used for festive decorations.
15. Canopy Sign– A sign directly painted or otherwise directly affixed upon a building canopy.
16. Changeable copy sign (electronic)- A sign board that is designed so that characters, letters, or illustrations can be electronically changed or arranged without altering the face or the surface of the sign as long as such change does not occur more than one time per twenty seconds.
17. Clear Zone- as established by American Association of State Highway and Transportation Official (AASHTO) Road Design Guide Standards.
18. City Staff- The Building Inspections Superintendent or his designee.
19. Commercial Message– Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.
20. Commercial Sign– When describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.
21. Construction Sign– A temporary sign indicating the names of architects, engineers, landscape architects, contractors, and similar artisans involved in the design and construction of a structure or project only during the construction period and only on the premises on which the construction is taking place.
22. Cultural Decorations– Any item on display that is designed to promote recognition of a heritage, race, culture, or ethnicity, which does not contain a commercial message.



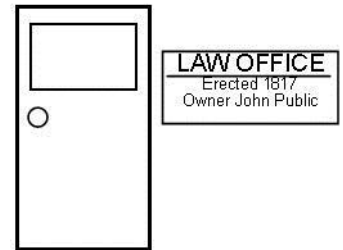
Canopy Sign

23. Development Sign– Any sign of a temporary nature used at the entrance to a subdivision, office park, or similar multiple-lot development that may indicate current or planned development of property, lots being sold, the name of the developer, financial institution or other development parties that apply for the whole development.
24. Dilapidated Sign- Any sign which is structurally unsound, unsafe, has defective parts, is in substantial disrepair or is in need of painting or maintenance, as determined by City Staff.
25. Double-faced Sign– A sign with both sides visible from any location and both sides attached to each other on both ends.
26. Erect– To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish a sign. It does not include the foregoing activities when performed as an incident to change a message on a reader board, or maintenance of a pre-existing sign.
27. External Illumination– Light reflected from a separate outside source aimed toward a sign, including silhouettes on a background or reflected light.
28. Façade– The outer portion of a wall from angle to angle or corner to corner.
29. Flag– See definition of “Banner.”
30. Flashing Sign- A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits marked changes in lighting effects more than once per twenty seconds, except signs that use lights to give a message in a scrolling or traveling effect. Flashing signs include signs containing animated, blinking, flashing, intermittent, and fluctuating lights, or which utilize liquid-crystal display (LCD), plasma, video, or similar display that changes its message more than once per twenty seconds. Any of these sign types and any changeable copy sign or message board / reader board sign that changes its message no more than one time per twenty seconds shall not be considered a flashing sign.
31. Frame– The portion of the sign that surrounds the background, advertising message area or area containing the logo, and which does not contain any portion of the message or advertisement and is a permanent part of the sign. The frame does not include the supports of the sign.
32. Freestanding Sign- Any non-movable sign not affixed to a building or any sign that is attached to or part of an upright support (in the ground, concrete or other surface, except development signs) that stands removed from any building. Every face of a freestanding sign shall be considered as a separate sign for the purposes of computing allowable area, except as otherwise provided for double-faced signs.
33. Gas Pump Sign– A sign located on or attached to a gas pump.
34. Ground Sign– A freestanding sign in which the sign face area is attached directly to the base of the sign or otherwise located close to the ground. This is also commonly referred to as a “monument sign”.
35. Holiday Decorations– Decorative elements of a temporary nature intended for the acknowledgment of a holiday or holiday season, exclusive of decorations containing business, product, sales, or service advertising content. Holiday decorations are considered temporary signs.
36. Identification Sign– A sign limited to information of address or name of business or property owner or tenant. Such signs do not include business logos, advertising or commercial message.
37. Illegal Sign– A sign erected or maintained after the effective date of this article which is



inconsistent with the terms contained in this Article or any nonconforming sign which was erected inconsistent with the terms governing location, height, surface area or other regulatory measure applicable at the time of its erection. A nonconforming sign that meets the limitations in the Nonconforming Signs section of this Article shall not be considered illegal.

- 38. Illuminated Sign- A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.
- 39. Indirect Light– Illumination by reflected or diffused light.
- 40. Inflatable Sign– See definition for Wind Sign.
- 41. Intermittent Light Sign– Intermittent Light– Any flashing, animated, blinking, or fluctuating light, liquid-crystal display (LCD), plasma, video, or similar display including arrangements that spell messages, simulate motion, or form various symbols or images where the message or image change or lighting fluctuation (on / off) or blinking occurs more than one time per twenty seconds. Electronic message board / reader boards or changeable copy signs that change the message no more than one time per minute or give a message in a traveling or scrolling fashion shall not be considered an intermittent light sign.
- 42. Internal Illumination– Light directed outward from a lighting source within a sign, including neon signs.
- 43. Maintain / Maintenance– Any cleaning, touchup painting, poster panel replacements on billboards or bulb replacement, which does not alter the basic design, structure, size or electrical service to the sign.
- 44. Marquee– A sign with manually changeable letters.
- 45. Message Board/Reader Board (electronic or not electronic)- A portion of an on-premises permanent sign containing general information or announcements of events or activities occurring at a business, institution or similar message. A sign with lights that travel in a scrolling fashion to display a message is an electronic message board / reader board sign as long as the message does not stop scrolling, even occasionally, and flash or blink more than one time per twenty seconds so as to become an intermittent light sign or flashing sign. Portable and temporary signs with a marquee area are not considered message board / reader board signs.
- 46. Nameplate Sign– A wall sign indicating the name and / or address of a business or residence.
- 47. Nit– A unit of measurement of brightness (luminance), which is the measure of the light emanating from an object with respect to its size and is the term used to quantify electronic sign brightness. Nits are the total amount of the light emitted from a sign divided by the surface area of the sign (candelas per square meter [cd/m 2].)
- 48. Noncommercial Message– Noncommercial messages include, but are not limited to, signs expressing political views, religious views, support for a public educational or other institution, support for a noncommercial public event, or opposition or comment on any of the above. This definition shall be broadly construed; there shall be a rebuttable presumption that any sign not bearing commercial message and bearing any other message at all is a noncommercial message, protected under this Article.
- 49. Noncommercial Sign– A sign which is not an on-premises or off-premises commercial sign and which carries no message, statement, or expression related to the commercial interest of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include, but are not limited to: signs expressing political views, religious



Nameplate Sign

views or signs of non-profit organizations related to their tax-exempt purposes.

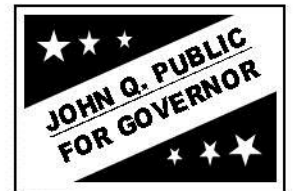
- 50. Nonconforming Sign– Any permanent building or freestanding sign within the jurisdiction of the Zoning Ordinance of the City of Clay on the effective date of this Article or any permanent building or freestanding sign existing in any area added to such jurisdiction after the effective date of this Article, which is prohibited by, or does not conform to the requirements of these regulations.
- 51. Nonresidential Zones– As defined by the City of Clay Zoning Ordinance including, but not limited to, the Industrial Zone, Institutional Zone, and the variety of Commercial Zones, etc.
- 52. Off-premises Sign– Any sign, including directional signs, advertising a business, person, activity, goods, products, or services not located or offered for sale on the premises where the sign is located.
- 53. On-premises Sign– any sign advertising a business, person, activity, goods, products, or services located or offered for sale on the premises where the sign is located.
- 54. Open Letter Sign– A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building.
- 55. Ornamentation– Decoration that does not convey a message or advertise anything.
- 56. Parapet– A wall or railing along the edge of a roof, balcony or similar structure and extending above the edge of such structure.
- 57. Permanent Sign– A sign that does not have a temporary message, but contains a message that would not change with an event, election, promotion, or completion of a project. Nameplate signs, identification signs, general information of a business, and others are considered permanent signs.
- 58. Person– Any individual, firm, partnership, association, corporation, company or organization, singular or plural, of any kind.
- 59. Political Sign– Any sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue. A political sign is a temporary sign.
- 60. Portable Sign– A sign that is designed to be transported.

a. The following are portable signs, whether or not they contain a temporary or permanent message:

- 1. Signs with wheels, with wheels removed, with chassis or support constructed without wheels, designed to be transported by trailer or wheels, except vehicle signs.
- 2. “A” or “T”-frame signs attached temporarily or permanently to the ground or structure or resting on the ground.
- 3. Wind or inflatable signs (except banners with a temporary message and balloon with a temporary message).
- 4. An umbrella with a commercial message.
- 5. Bench signs that are not inserted into the ground.

b. Any other sign that rests on top of the ground (not secured by being inserted in the ground) shall be considered a portable sign if it does not contain a temporary message, including but not limited to:

- 1. Plastic signs (not including auxiliary signs) and all other signs attached to, but not



Political Sign



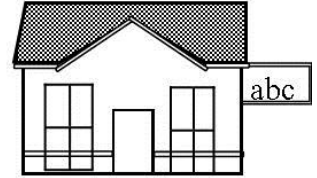
Portable Sign

permanently affixed to light poles or utility poles on private property.

2. Rigid signs (including those supported by wires inserted in the ground) and signs supported by metal stakes or any metal support that is less than four square feet of sign face area, except auxiliary signs which are not portable signs.

61. Premises— A lot or tract of land upon which sign is located or is to be located or location which sign is directing attention to.

62. Projecting Sign— A sign attached or affixed to the exterior wall of a building extending more than 12 inches from the face of the building wall or above the top of the building wall.



Projecting Sign

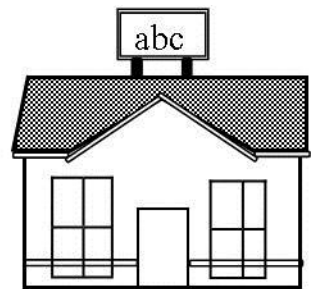
63. Real Estate Sign— A sign indicating that a property or any portion thereof is available for inspection, sale, lease, rent, or directing people to a property, but not including temporary subdivision signs.

64. Residential Zones— As defined in the City of Clay Zoning Ordinance. Includes but is not limited to all single family zoned lots, apartments and condominiums.

65. Right-of-Way— The area designated as such according to the state and local laws and shown on surveys.

66. Rigid Signs— Signs with rigid material used in the sign face area which has wires or metal supports and not larger than four square feet in sign face area. A rigid sign with a temporary message, as described in the definition for temporary sign, is considered a temporary sign. A rigid sign that does not contain a temporary message shall be considered a portable sign.

67. Roof Sign— A sign that is mounted on the roof or applied to the roof of a building (including painted signs) or which is wholly dependent upon a building for support and which projects above the highest point of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.



Roof Sign

68. Separate illumination— Illumination coming from a source not attached to the sign.

69. Setback— The area which is part of private property but is not allowed to have permanent structures, including signs.

70. Shopping Center Sign— a permanent, on premise sign, illuminated or non-illuminated, that identifies the name of a shopping center development, and may include tenant identification. A sign is defined as a shopping center sign when the center of which it advertises has at least 400 feet of public road frontage (outparcels included), be located on premises of a minimum of one acre, have shared parking or driveways with all uses on site, have one or more retail spaces (not including outparcels) and have one management authority (not including outparcels).

71. Sight Triangle— as established by American Association of State Highway and Transportation Official (AASHTO) Standards.

72. Sign— A name, identification, image, description, display or illustration which is affixed to,

painted on, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to any object, product, place, activity, facility, service, event, attraction, person, institution, cause, holiday, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property together with any and all poles, beams, columns, posts, and foundations which offer structural support, and any ornamental attachments. External or internal illumination designed to direct attention to a sign is considered part of the sign. Customary displays of merchandise or objects and material without lettering placed behind a store window are not considered signs or parts of signs.

73. Sign Face Area— That part of a sign that is or can be used for advertising or message purposes and including the frame.
74. Snipe Sign— A sign attached to utility poles, light poles, trees, other signs or structure or objects not specifically designed to accommodate signs, whether such structure or object is on right of way or private property.
75. Spotlight— A strong beam of light that illuminates a small area, as determined by City Staff.
76. Streamers— Fringe, strips, or flags commonly attached to a cord and strung between two or more points. Streamers are portable wind signs.
77. Supports— The part of the sign that bears the weight of a sign which holds it in position or prevents it from falling, sinking or sliding.
78. Temporary Message- A message of a temporary nature, such as, but not limited to, an event, sale, special, promotion, auction, grand opening, property for sale or lease, and political sign.
79. Temporary Sign— A sign designed and displayed for a seasonal or brief activity, such as, but not limited to, sales, events, specials, promotions, holidays, auctions, business grand openings, real estate signs, political signs and signs advertising the lease or vacancy of rental units in multi-unit residential developments. Rigid signs and all portable signs that have a temporary message so that it meets the definition of a temporary sign, except a sign that is lighted or has a marquee area and A-frame signs, are considered temporary signs.
80. Three-sided Sign— A sign with three sides.
81. Traffic Control Sign— A sign which directs vehicle traffic, including but not limited to speed limit signs and upcoming curve signs.
82. Umbrella— An item with canvass or vinyl, or similar flexible material, not attached to a building and that can collapse and is designed to provide cover from rain or sun. An umbrella with a commercial message or advertisement for a non-profit organization or religious organizations is considered a portable sign. An umbrella that does not include a commercial message is not considered a sign.
83. V Sign— A freestanding or projecting sign that is shaped as a “V” on its side which forms a corner and is open opposite the corner.
84. Vehicle Sign— Any sign affixed to or painted on a vehicle or trailer.
85. Wind Sign / Inflatable Sign— A device which moves or inflates with air that consists of one or more banners, flags, pennants, ribbons, spinners, streamers, blimps, air dancers, or other

objects or material fastened in such a manner as to move freely. See definition for balloon for more details on what balloons are signs. Wind signs that are not banner signs with a temporary message are portable signs. See banner sign for more details of what conditions determine that banners and flags are considered signs.

86. Window / Door Sign– Any advertising content, including business identification information, attached to, affixed to, or painted or otherwise imprinted on a window or glass door, whether applied to the interior or exterior surface of the window or glass door.
87. Yard Sale Sign- A sign advertising the sale of personal items for a period of no more than three days.

#### Section D. Permits, Fees and Inspections

1. Permits Required: Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, alter, or convert any sign in the City or cause the same to be done, without first obtaining a permit for each sign from the City as required by this ordinance. Permits are not required for routine maintenance.
2. Application for permit: Application for permit shall be made to the City building official upon a form provided by the building official and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City, including:
  - a. Name and address of owner of the sign.
  - b. Name and address of owner or the person in possession of the premises where the sign is proposed to be located or where the sign is presently located.
  - c. Clear, concise and legible drawings with the description definitely showing the location of the sign which is subject of the permit and all other existing signs.
  - d. Drawings depicting the dimensions, construction supports, size, electrical wiring and component materials of the sign and method of attachment.

If the application is complete, City Staff will notify the applicant within five (5) business days of the date of the application as to whether the application will be issued or denied.

3. Issuance Denial: When a permit is denied, the Building Official shall give written notice to the proper applicant of the denial with a written statement of the reason or reasons for the denial. Said denial and statement shall be made as an attachment to the application.
4. Appeals of Permit Denial: An appeal of the denial for a sign permit may be taken to the Board of Zoning Adjustment and at this point, the applicant may ask the Board of Zoning Adjustment for a variance. At such time as the applicant receives notice of the denial, the applicant shall have the right to notify the Board of Zoning Adjustment of his intent to appeal. The applicant shall submit an appeal for an administrative review before the Board of Zoning Adjustment, on forms provided by the City Clerk, within thirty (30) days after the date of the notice of denial, or he is deemed to have waived his right to appeal to the Board of Zoning Adjustment. An Appeal of the denial of a building permit for a sign shall be heard at the next regularly scheduled meeting of the Board of Zoning Adjustment, after compliance with application and notification procedures for said appeal.
5. Inspection of Signs: The person erecting, altering, relocating, or converting any sign shall notify the Building Official upon completion of the work for which permits are required and issued. All signs shall be subject to footing and electrical inspections by the Building Official.

6. **Unlawful Signs:** Every sign in the City shall be maintained in good structural condition. The Building Official may inspect and shall have the authority to order the painting, repair, alteration, or removal of signs which become dilapidated or abandoned and such will be at the sign owner's expense.
7. **Permit Application Fee:** The applicant shall be required to pay an application fee according to the current schedule of fees established by the City Council for the particular category of application. This fee shall be nonrefundable irrespective of the final decision of the application.
8. **Electrical Permit:** In addition to the requirements above, all signs using electricity, including portable and temporary signs, must also have an electrical permit.
9. **Actions not Requiring a Permit:** The following actions do not require a permit:
  - a. Changing the copy, announcement of message on a sign.
  - b. Cleaning, painting, electrical or comparable maintenance, or repair of a sign that does not alter any regulated feature of such a sign.
10. **Exempt Signs**

The following signs are exempt from the requirement that a permit be obtained provided they conform to the standards enumerated in this Article and provided they are not placed or constructed so as to create a hazard of any kind:

- a. Signs of two and a half (2.5) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these regulations.
- b. Signs necessary to promote health, safety and welfare and other regulator, statutory, traffic control or directional signs erected on public property with permission as appropriate from the City, the State of Alabama, or the United States. Signs established by, or by order of, any government agency.
- c. Legal notices and official instruments.
- d. Holiday lights and decorations. (See Section N.6, page 23.)
- e. Works of art that do not constitute advertising, as determined by City Staff.
- f. Merchandise displayed behind storefront windows, so long as no part of the display moves or contains flashing lights, becoming an intermittent light sign. See Section Q, page 27, for regulations on Window Signs.
- g. Memorial signs or tablets, historical marker, name of a building and dates of erection when cut into any masonry surface of when constructed of bronze or other incombustible materials and attached to the surface of a building.
- h. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- i. Vehicle signs that meet the limitations in Section P, page 27.
- j. Window and door signs that meet the limitation in Section Q, page 27.
- k. Real estate and political signs. (See Section C Definitions, page 2, and Section N, page 23.)
- l. Umbrella signs

- m. A-frame signs
- n. Signs that are part of an individual's participation in a community-wide, city-sponsored special event (such as a festival or parade) during the time of that event.

### Section E Prohibited Signs

The following signs shall hereafter be considered expressly prohibited throughout the City and deemed illegal. (See Section K, page 21, for the procedure in addressing Notice and Removal of Illegal Signs):

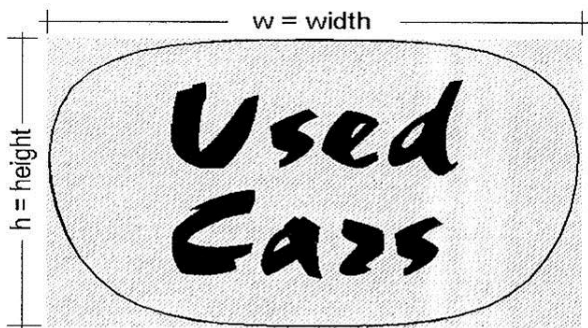
1. Location- See Section G Location Limitations, page 14. Any sign that does not meet the requirements in Section G is prohibited and will be deemed illegal. (See Section L Nonconforming Signs, page 22.)
2. Types of Signs– The following types of signs are not allowed (See Section L Nonconforming Signs, page 22):
  - a. Any sign that imitates, resembles, obscures, or otherwise physically interferes or would be confused with any official traffic sign, signal, or device, or emergency vehicle lights or markings, as determined by City Staff.
  - b. Any dilapidated sign or sign that otherwise constitutes a safety hazard, as determined by City Staff.
  - c. Any billboard signs
  - d. Any sign that produces noise or sounds capable of being heard, including non-distinguishable sounds, nor any sign that emits odor, or visible matter, such as smoke.
  - e. Any animated sign.
  - f. Any wind sign and inflatable sign, including any balloon sign, that is subjected to forced or motor-created air, or which is inflated or made to move by a fan or blower. (See Section O.13, page 26, for regulations on other Wind Signs.)
  - g. Any roof sign.
  - h. Any three-sided or "V" signs.
  - i. Human supported signs with a commercial message.
  - j. See Section I, page 19, for prohibited signs that involve illumination.
  - k. Snipe signs, including signs on utility or light poles on private property, whether temporary or permanent.
3. Other prohibited signs– The following signs are not allowed (See Section L Nonconforming Signs, page 22):
  - a. Any sign that is in violation of the building code or electrical code adopted by the City of Clay.
  - b. Any sign lettered or constructed in a crude or amateurish fashion, as determined by City Staff.

- c. Balloons with a commercial message, whether temporary or not. (See Section O.13, page 26 and Section E.2.f, page 12, for other limitations on balloon signs.)

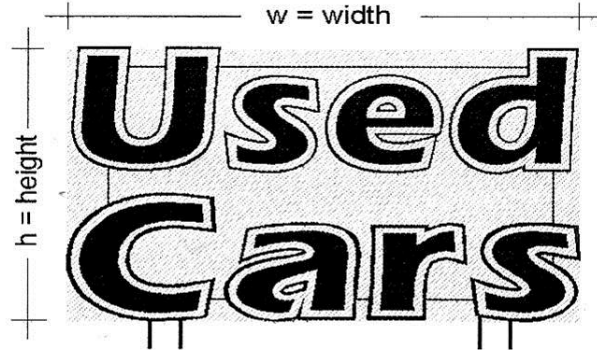
**Section F Sign Area and Height Calculation Standards**

Calculation of sign face area and height shall be performed in conformance with the standards below (including the graphic description) in this Section.

1. The sign face area or advertising device is measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device including background and frame; but excluding trim, apron, posts, uprights, braces or other structural members which support it, unless it is a three-dimensional object sign. (See Section F.3, page 12.) Any advertising space attached to a pre-existing sign expands the sign face area of that sign to include the added space. All advertising message that shares the same supports will be considered part of the sign face area of that one sign.
2. Open letter sign face area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign message can be enclosed.
3. When a sign is in the form of a three-dimensional object, the sign face area shall be determined by drawing a square or rectangle using the widest point and the highest point encompassing the whole object, including supports, and multiplying that area by two (2).

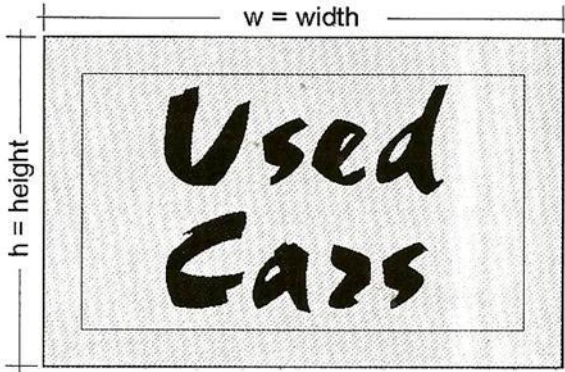


Calculating Area of an Irregular Sign =  $h \times w$

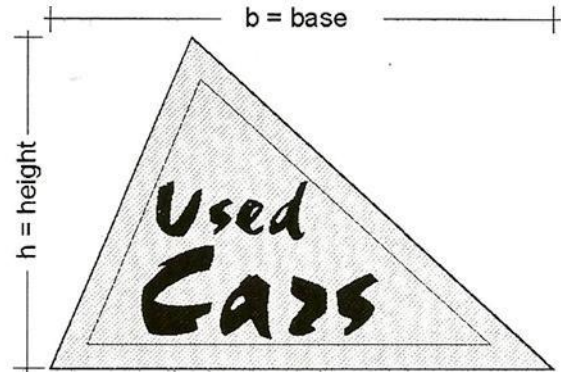


Calculating Area of a Sign where Copy Exceeds Sign Area = (height of copy) x (width of copy)





Calculating Area of a Rectangular Sign =  $h \times w$



Calculating Area of a Triangular Sign =  $1/2 (h \times b)$

$\pi = 3.14159$

**EXAMPLE**

r (radius) = 4 feet  
 Area =  $3.14159 \times 4 \text{ ft}^2$   
 Area = 50.265 sq ft

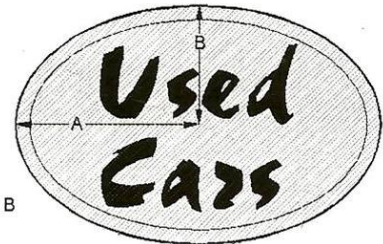


Calculating Area of a Circular Sign =  $\pi \times \text{radius}^2$

$\pi = 3.14159$

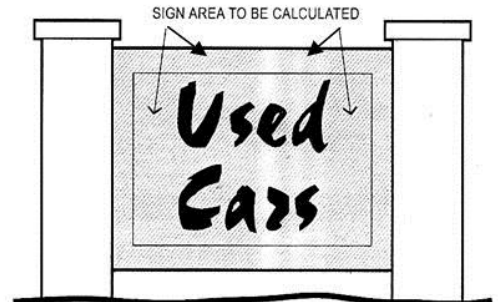
**EXAMPLE**

A = 3 ft B = 4 ft  
 Area =  $3.14159 \times A \times B$   
 Area = 37.699 sq ft

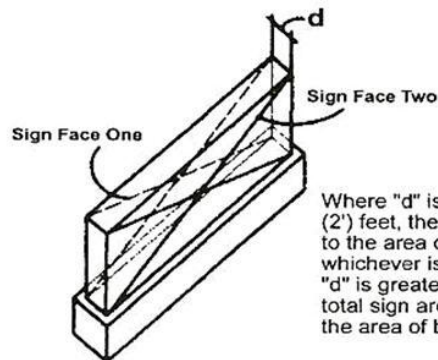


Calculating Area of an Elliptical Sign =  $\pi \times A \times B$

4. Sign face area calculation of freestanding and building signs, except awning signs, shall include the background on which copy is provided and frame but shall not include columns or supports.
5. Sign face area of subdivision signs, awning signs and umbrella signs shall be figured the same as described in Section F.2, page 12.
6. Multi-facing Sign Calculations



When two sign faces (double-facing sign) are placed back to back and both faces cannot be viewed from a single location and when the sign faces are part of the same sign structure and are no more than two (2) feet apart, the sign face area shall be computed by the measurement of the larger of the two faces, including frame. Where a sign has two (2) or more faces that can be viewed from a single location the display area of all such faces shall be included in determining the total sign face area of the sign.

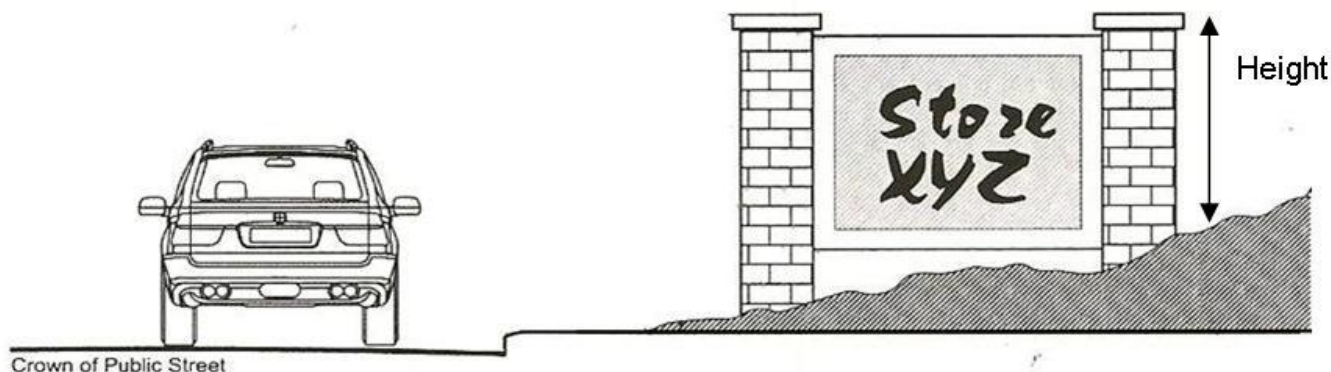


Where "d" is never greater than two (2') feet, the total sign area is equal to the area of one sign face, whichever is larger in area. Where "d" is greater than two (2') feet, the total sign area is equal to the sum of the area of both faces.

## 7. Height Calculation

The height of a sign shall be computed as the distance from the base of the sign at the normal grade to the top of the highest attached component of the sign.

- a. The normal grade shall be construed to be the higher of the highest existing grade at the base of the sign prior to construction or the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
- b. In cases in which the normal grade cannot reasonably be determined, sign height shall be determined by the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the street of the address of that premises or the grade of the land at the primary entrance to the principal structure on the premises, whichever is lower.
- c. If the grade of the intended location of the sign is lower than the crown of the street of the address of that premises, then the height shall be computed from the plane of the crown of the street of the address of the premises to the top of the highest attached component of the sign.



### Section G Location Limitations

Unless otherwise specified in this Article, the following requirements shall apply to all signs (See Section L Nonconforming Signs, page 22):

1. No sign is allowed which is located on, projects over, or obstructs visibility of any public right-of-way, except identity signs, such as those on mailboxes.
2. No sign is allowed which obstructs, misleads, interferes with or confuses pedestrian or vehicular traffic flow, as determined by City Staff.
3. No sign is allowed which is located in such a manner that motorist visibility is obscured at driveways or access points to any business or to intersections of thoroughfares and alleys.
4. No sign is allowed which is located on public property or on private property on public property (such as private utility poles, i.e. snipe signs) or on light poles on private property other than

signs erected by a public authority for public purposes or as otherwise permitted by the regulations, or auxiliary signs.

5. Setback Requirements:

- a. Signs shall be set back at least three feet from the Front Lot line, five feet from a sidewalk, or ten feet from the edge of pavement, whichever is greater. Signs shall be setback at least 25 feet from the centerline of an undedicated road. These setbacks shall not apply to identification signs mounted on mailboxes, nor shall it apply to temporary signs, portable signs and vehicle signs. (See Section N, page 23; Section O, page 25; and Section P, page 27, for requirements on these types of signs.)
- b. For side and rear setback requirements, amounts for each Zone as provided in the City of Clay Zoning Ordinance shall also apply as a limitation to the location of signs. In no case shall any sign be erected closer than fifteen (15) feet to a boundary line of a Residential Zone.

6. Every building sign or awning sign shall be limited such that no portion of said sign is elevated higher than the top of the building, parapet, or wall face to which it is attached or affixed, nor shall it extend more than one foot horizontally from the wall surface, except projection signs and awning signs.

7. No freestanding sign shall be located closer than 60 feet from another freestanding sign on the same side of the same block.

8. No portable sign is allowed within 60 feet of another sign with the same or similar elevation, so as to block the viewing of the other sign, as determined by City Staff.

9. No sign is allowed which is located on any broadcasting or telecommunications tower or any antenna other than appropriate hazard / warning signs.

10. No sign is allowed which is painted or drawn upon rocks, trees, curbstone, flagstone, pavement, or any portion of any sidewalk or street, or other natural features, except house numbers and traffic control signs.

11. In addition to the above setback requirements, all signs must meet the AASHTO Sight Triangle Standards and AASHTO Road Design Guide for clear zones.

12. A-frame signs:

- a. In buildings with more than one tenant, each tenant's A-frame sign shall be placed no more than twenty-five (25) feet from that tenant's main / public entrance.
- b. A-frame signs shall not be placed in vehicle traffic lanes or in parking areas. They shall not be placed so as to block building entrances or exits.
- c. A-frame signs shall be spaced a minimum of 15 linear feet from all other A-frame signs.

13. See Section H Permanent Sign Size, Height and Number Limitations, page 16; Section N

Temporary Signs, page 23; Section O Portable Signs, page 25; Section P Vehicle Signs, page 27; and Section Q Window and Door Signs, page 27, for additional size limitations according to zone or type of sign.

## Section H Permanent Sign Size, Height, and Number Limitations

Any permanent freestanding or building sign not listed as being an allowable sign in a particular Zone shall be considered prohibited in that Zone. Unless otherwise indicated, the prohibitions of Section E Prohibited Signs, page 11, shall apply to all signs allowed below, whether or not specific references are cited.

### 1. All Zones

The following signs shall be allowed in all Zones, but shall be subject to additional regulations as specified below:

- a. Traffic Control Signs, each under four square feet with a limit of two per premises.
- b. Auxiliary signs, including but not limited to signs required to be posted by law; "warning" and "no trespassing" signs; signs indicating bus stops, taxi stands and similar transportation facilities; signs giving information concerning the location or use of accessory off-street parking facilities; or loading and unloading facilities. Each auxiliary sign is not to exceed three square feet in sign face area. Auxiliary signs may be inserted in the ground or attached to any permanent structure.
- c. Identification signs. (See Section I, page 19, for illumination limitations.)
- d. Signs established by, or by order of, any government agency.
- e. Temporary signs, specifically in accordance with Section N, page 23.
- f. Portable signs, specifically in accordance with Section O, page 25.
- g. Window signs, specifically in accordance with Section Q, page 27.
- h. Permanent off-premise directional signs are allowed, but they shall comply with all other requirements in this Section and Article. Each lot is allowed only one such sign and it shall not be over four (4) square feet in sign face area.

### 2. Agricultural Zones

The following signs shall be allowed on any one lot in an AG Zone and shall comply with the number, sign face area and dimensional regulations of Table 1 and Table 2, page 18, calculated according to standards in Section F, page 12: Product advertising signs, identification signs providing the name of the farm, or business where applicable, provided the total combined area of such signs shall not exceed six square feet for any premises.

### 3. Residential Zones

The following signs shall be allowed on any one lot in a Residential Zone and shall comply with the number, sign face area and dimensional regulations of Table 1 and Table 2, page 18, calculated according to standards in Section F, page 12:

- a. For detached or attached single family districts: nameplates, not to exceed two (2) square feet in sign face area shall be allowed for each dwelling unit. Such nameplates shall

indicate nothing more than the name and address of the premises, occupants thereof, announcements, etc. See Section I, page 19, for illumination limitations.

- b. Subdivision signs, which may include a masonry wall, landscaping and other similar materials or features, designed and intended to form a display for neighborhood or subdivision identification shall be limited to two (2) at each entrance from a major thoroughfare. Such signs each shall not exceed thirty-two (32) square feet in sign face area and shall be located not closer than fifteen (15) feet from the pavement edge of the street or road to which it is directed. See Section I.12, page 20, for illumination limitation.
  - c. For multifamily and group dwellings, identification signs, not to exceed nine (9) square feet in sign face area. Such signs shall indicate nothing more than the name and address of the premises, and name of the management. Such signs shall be attached flush with the principal building. See Section I.8, page 20, for illumination limitation.
4. Neighborhood Center Commercial (NC), Town Center Commercial (TC), and Neighborhood Institutional (NI) Zones.

The following signs shall be allowed on any one lot in a NC, TC or NI Zone and shall comply with the number, sign face area and dimensional regulations of Table 1, Table 2 and Table 3, pages 18-19; calculated according to standards in Section F, page 12:

- a. One wall-mounted, business or professional nameplate sign denoting only the address, street, number, and / or business per occupant per building.
  - b. One freestanding, on-premise sign per lot or per shopping center. All permanent freestanding signs shall display the street number assigned to the location. A multi-tenant sign shall carry the range of street numbers assigned to the properties. Street numbers shall be at least six inches high.
  - c. Every projecting sign or awning sign shall extend outward from the building to which it is affixed no more than three (3) feet, and shall be limited in elevation which that the top edge of the sign is no higher than the top of the building structure or parapet to which it is attached.
  - d. Gas pump signs are allowed at any number with any commercial or auxiliary message as long as such signs or sign support do not extend out or above the gas pump.
  - e. Bulletin board signs and message / reader board signs, not to exceed thirty percent (30%) of the total sign face area. The combined area of either or both the bulletin board and message / reader board sign area shall not exceed thirty percent (30%) of the total sign face area.
  - f. Building Signs (See Table 2, page 18)
5. Highway Commercial (HC) and Community Institutional Zones.

The following signs shall be permitted on any one lot in a HC or CI Zone and shall comply with the number, sign face area and dimensional regulations of Table 1, Table 2, and Table 3, pages 18-19, calculated according to standards in Section F, page 12:

- a. One nameplate or wall sign per occupant per building.

- b. One freestanding, on-premise sign per lot or per shopping center. All permanent freestanding signs shall display the street number assigned to the location. A multi-tenant sign shall carry the range of street numbers assigned to the properties. Street numbers shall be at least six inches high.
- c. In addition to a sign that advertises the business, organization or corporation at a premises, according to the limitations in Table 1 and Table 2, page 18, one or more signs are allowed that contain advertising of goods, services or products available on such lot only, not attached to a fence or other screen and not exceeding a cumulative area of twelve (12) square feet per street frontage.
- d. Every projecting sign or awning sign shall extend outward from the building to which it is affixed no more than three (3) feet, and shall be limited in elevation which that the top edge of the sign is no higher than the top of the building structure or parapet to which it is attached.
- e. Gas pump signs are allowed at any number with any commercial or auxiliary message as long as such signs or sign support do not extend out or above the gas pump.
- f. Bulletin board signs and message / reader board signs, not to exceed thirty percent (30%) of the total sign face area. The combined area of either or both the bulletin board and message / reader board sign area shall not exceed thirty percent (30%) of the total sign face area.
- g. Building Signs (See Table 2, page 18)

## 6. Industrial Zones.

The following signs shall be permitted on any one lot in an I-1, I-2 or I-3 Zone and shall comply with the number, sign face area and dimensional regulations of Table 1 and Table 2, page 18, calculated according to standards in Section F, page 12:

- a. One wall-mounted, business or professional nameplate sign denoting only the address, street, number and / or business per occupant per building.
- b. One freestanding, on-premise sign per lot.
- c. Auxiliary signs, each not exceeding three (3) square feet in area.
- d. Building Signs (See Table 2, page 18)



Table 1

**Permanent Freestanding Signs Area and Dimensional Requirements**

Zones or Uses	Apartments and Condominiums	AG and CU Zones	All Residential	NC, TC, SC, CI and NI Zones	HC Zones	All Industrial Zones
<b>Maximum Number</b>	Individual Bldg: 1 per street frontage; Complex: 1 per entrance	1 sign per lot	Subdivision signs only at entrances	1 per lot	1 per lot	1 per use
<b>Maximum Height</b>	5 feet	5 feet	5 feet	8 feet	8 feet	8 feet
<b>Maximum Sign Face Area per sign</b>	32 square feet	32 square feet	32 square feet	50 square feet	50 square feet	50 square feet

Table 2 (See Amendment Ordinance 2013-01)

Permanent Building Signs Area and Dimensional Requirements

Zones or Uses	Apartments and Condominiums	AG and CU Zones	All Residential	NC, TC, SC, CI and NI Zones	HC Zones	All Industrial Zones
<b>Maximum Number</b>	Identity Signs Individual Bldg: 1 Complex: 1	None	1 Nameplate Sign per residence	1 per tenant or owner & two canopy signs	1 per tenant or owner & two canopy signs	1 per tenant
<b>Maximum Sign Face Area per Sign</b>	9 square feet	N/A	N/A	12 square feet	100 square feet	24 square feet
<b>Maximum Total Sign Face Area</b>	9 square feet	N/A	2 square feet	6 square feet per 25 linear feet of façade	18 square feet per 35 linear feet of façade	18 square feet per 40 linear feet of façade

Table 3

**Shopping Center Sign Area and Dimensional Requirements**

Leasable Floor Square Feet (excluding outparcels)	12,000 or less	12,001-24,000	24,001 or more
<b>Maximum Height</b>	8 feet	10 feet	12 feet
<b>Maximum Sign Face Area</b>	50 square feet	75 square feet	100 square feet
<b>Maximum Number</b>	1	1	1

Section I Illumination

1. Intermittent light signs and flashing signs are prohibited, except traditional barber poles.
2. Signs or attention-getting devices that contain a beacon of any type and / or contain a spotlight are prohibited.
3. Electronic Message Board / Reader Board Components and Electronic Changeable Copy Sign

- a. When any permanent sign contains a message board / reader board or electronic changeable copy, said message board / reader board and electronic changeable copy area combined shall not occupy more than thirty percent (30%) of the sign face area.
  - b. Message board / reader board and / or electronic changeable copy area shall be integrated into the structure of the freestanding or building sign and count toward the maximum allowable display area. Electronic reader boards, electronic message boards, or LED boards are allowed so long as the message does not advertise an off-premise product or service and / or blink or flash more than one time per twenty seconds so as to become a prohibited intermittent or flashing sign. Message board / reader boards may advertise publicly sponsored community-wide events.
  - c. Electronic signs shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face at maximum brightness.
  - d. Electronic signs shall have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level meeting the above illumination standards for the period between one half-hour before sunset and one half-hour after sunrise.
  - e. Message boards / reader boards and electronic changeable copy signs are allowed in windows and doors subject to all other regulations in this Ordinance and the size limitations in Section Q, page 27.
4. Strings of light bulbs used on commercially developed parcels for commercial purposes, as determined by City Staff, are prohibited.
  5. Separate Illumination of Temporary Signs:
    - a. Separate illumination of temporary signs are prohibited in all Residential Zones.
    - b. Separate illumination of temporary signs is prohibited in Non-residential Zones, except as specified in this Ordinance. Where a political sign is erected in place of another allowed sign or political copy is placed on an existing, lawful sign in a Non-residential Zone, the illumination standards otherwise applying to the sign shall apply to the political sign or political copy.
  6. All illuminated or highly-reflective signs shall be effectively shielded so as to prevent beams or rays of light from being directed at any portion of a thoroughfare or sidewalk, or from shining on or into any residential building, or otherwise adversely affecting surrounding or facing properties, as determined by City Staff. Furthermore, such signs shall not adversely affect the safe operation of motor vehicles by reason of light intensity or brilliance, which causes glare or otherwise impairs the vision of drivers of motor vehicles, as determined by City Staff.
  7. In no case, with all lighting components energized, shall the lighting intensity of any sign, whether resulting from internal or external illumination, exceed 60-foot candles when measured with a standard light meter held at a distance of ten inches from the sign face.
  8. All identification signs shall only have external, non-intermittent illumination.



9. In Residential Zones, multifamily unit identification signs shall only be illuminated with indirect light.
10. In Residential Zones, nameplates shall only be illuminated with indirect light.
11. In Residential Zones, temporary ground signs shall not be illuminated.
12. Subdivision signs are allowed to have external illumination only.
13. Portable signs shall not have any illumination, external or internal, except window signs. (See Section O, page 25; Section Q, page 27; and Section I.1 and I.3, page 19.)
14. Holiday decoration lights are subject to the regulation in Section N.6, page 26.

#### Section J Permanent Sign Materials

This section includes regulations on frames, supports and ornamentation. Building materials for permanent freestanding and building signs shall be durable, have low maintenance, be of the same or higher quality as the principal structure(s), and shall not adversely impact adjacent uses, as determined by City Staff. The various parts of signs shall be compatible in design quality, as determined by City Staff. Signs shall not be in the shape of a sponsor name or motif (such as soda bottles, hamburgers, boot, and so forth).

1. The following materials are considered appropriate for permanent freestanding sign backgrounds, frames, supports and ornamentation:
  - a. Brick
  - b. Natural stone, including panels. The use of natural materials is favored; however, the use of imitation stone is appropriate.
  - c. Stained split-face block
  - d. Exterior insulation and finish systems (EIFS) (trade name DryVit), or similar material, in combination with brick, split-face block, or stone
  - e. Metal panels, when used in combination with brick, split-face block, or stone
  - f. Plastic, or other synthetic materials, when used in combination with brick, split-face block, or stone.
2. Wood is an appropriate sign material for frames, backgrounds and ornamentation, but is not an allowed material for supports of permanent freestanding signs.
3. All other materials not listed above are prohibited in permanent freestanding signs.
4. No additional material requirements are imposed on temporary signs, auxiliary signs, portable signs, vehicle signs and window and glass door signs except those outlined in the Sections for those type of signs and the descriptions in the definitions in Section C, page 2. See Section H.1.b,

page 16; Section N Temporary Signs, page 23; Section O Portable Signs, page 25; Section P Vehicle Signs, page 27; and Section Q Window and Door Signs, page 27.

### Section K Procedure for Notice and Removal of Illegal Signs

Upon determination by City Staff that a certain sign is prohibited or illegal, City Staff shall act to remedy the violation, which may include:

1. Notice: The issuance of a notice of violation to the person who owns, is responsible for, or benefits from the display of such sign prescribing the action necessary to make the sign legal and conforming to the terms contained herein or ordering the removal of the illegal sign and also prescribing the time which the person, business or organization is afforded to accomplish such action:
  - a. Notice for temporary or portable sign violations on private property:
    - (1) A person, business or organization that erects or benefits from a temporary or portable sign in violation of any requirement in this Article will be given forty-eight (48) hours notice to come into compliance or remove such sign.
    - (2) Notice for pre-existing temporary or signs in violation: In the case when the temporary or portable sign is in violation of this ordinance and was already on display at the time this Article is adopted, then the business, individual or organization will be given ninety (90) days notice to remove the illegal sign, unless the sign is on right of way, in which case, see Section K.2, page 21.
    - (3) Penalties: If corrective action is not taken within such time allotted, penalties shall accrue or other enforcement measures as described herein shall be taken by City Staff, unless it is determined by City Staff that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies.
  - b. Notice for permanent sign violation:
    - (1) A person, business or organization benefitting from an illegal permanent sign according to Section D.6, page 10, except abandoned signs, shall be given seven (7) days notice of violation. If corrective action is not taken within such time allotted, penalties shall accrue or other enforcement measures as described herein shall be taken by City Staff, unless it is determined by City Staff that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies.
    - (2) A person, business or organization benefitting from a permanent sign that is in violation of all other regulations in this Article or in this Ordinance, including abandoned signs, but not including other violations described in Section D.6, page 10, shall be given thirty (30) days notice of violation. (See Section K.1.b.(1), page 21, for other violations of Section D.6, page 10) If corrective action is not taken within such time allotted, penalties shall accrue or other enforcement measures as described herein shall be taken by City Staff, unless it is determined by City Staff that the sign owner is delayed for legitimate reasons and is making a good faith effort to correct any deficiencies.

2. Removal by City Staff: Without notice, City Staff has the authority to remove and dispose of any illegal sign erected on public property, street right-of-way, setback area or located so as to block pedestrian or vehicular traffic. (See Section G.1-5, pages 14-15.) The City shall have the right to recover the cost of such removal and disposal of such signs from the person erecting or benefiting from such a sign.

## Section L Nonconforming Signs

This section applies to signs that were lawfully erected but that fail to conform to one or more provisions of this article. No sign structure that had been erected in violation of any previously existing sign ordinance shall, by virtue of the adoption of this article, become a conforming sign.

All signs constructed after the adoption of this ordinance shall conform in all respects to the requirements and provisions contained herein.

Temporary signs (except development signs), window and glass door signs, vehicle signs, dilapidated signs, portable signs and abandoned signs (according to regulations in Section M, page 22) that do not meet the requirements in this Article are not considered nonconforming signs. They are subject to the procedure outlined in Section K, page 21.

It is the intent of this Ordinance to allow these nonconforming signs to remain until they are removed, discontinued or altered, but not to encourage their survival. It is the further intent of this article to eventually eliminate all nonconforming signs within the City either through measures designed to eventually bring them into compliance with the provisions of the sign Ordinance or by their removal. The following provisions shall apply to all nonconforming signs structures:

1. Nonconforming on-premise signs:
  - a. Nonconforming signs which are structurally altered shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
  - b. Nonconforming signs shall be maintained. If a structural alteration is required to accomplish maintenance, the sign shall, upon completion of the alteration, conform in all respects to the provisions of this ordinance.
  - c. The copy area of an internally illuminated nonconforming sign may be removed from the sign structure without jeopardizing the legal nonconforming status of the sign, provided only the message is changed.
  - d. Maintenance of copy area on a nonconforming sign in which the copy area is an integral and permanent part of the sign structure, shall require the sign to conform in all respects to the provisions of the ordinance.
2. Nonconforming off-premise signs: Structural alteration of a nonconforming off-premise sign shall require its removal. The message of a nonconforming off-premise sign may change without jeopardizing the legal nonconforming status of the sign.
3. Restoration after damages: A nonconforming sign which is damaged by fire, wind, natural disasters, or other causes, to the extent that repair of the sign requires any structural alteration, shall upon completion of the alteration, conform in all respects to the provisions of this ordinance.

## Section M Abandoned Signs

1. Abandoned signs, as defined in Section C, page 3, shall be prohibited and shall be removed

by the owner of the sign or the owner of the property within thirty (30) days of notice from City Staff. The frame and structure of an abandoned non-temporary or non-portable freestanding or building sign shall not be required to be removed if it conforms to all applicable terms contained in these regulations (including the sign face area for a sign replacement yielded by such a frame).

2. Any sign structure which supported an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and frame shall either be altered to comply with the terms contained herein or removed by the owner of such structure or property.
3. Adherence to this Article is the responsibility of the property owner of the premises where an abandoned sign is located.

## Section N Temporary Signs

Signs that are part of an individual's participation in a community-wide, city-sponsored special event (such as a festival or parade) are exempt from the following temporary signs regulations during the time of that event. Otherwise, temporary signs are subject to the following limitations:

1. In Nonresidential zones, only the following temporary signs are allowed: political signs, real estate signs, yard sale signs, construction signs, and development sign. These signs must conform to the limitations below. Additionally, in Nonresidential zones, banner signs with temporary commercial or noncommercial messages are allowed, subject to the limitations in Section N.5, page 23. In addition to these temporary signs, in Nonresidential zones, a business or organization may display temporary messages on an A-frame sign or portable sign with a marquee area, subject to the limitations in Section O Portable Signs, page 25.
2. Political signs: No more than one sign per issue, cause, organization, event, or candidate on any one premise.
3. All temporary signs, including banner signs, are subject to the location regulations in Section G.1-4, pages 14-15, and Section G.6-12, page 15.
4. Changing the location or message on a sign does not make it become a new temporary or portable sign.
5. Banner Signs (See banner sign definition to see what conditions determine that a banner is a temporary sign or a portable sign):
  - a. No banner sign with a commercial message or which advertises an event is allowed in Residential Zones.
  - b. In Nonresidential Zones, a person or business owner is allowed one on-premises banner sign with a temporary message. It shall not exceed thirty-two (32) square feet of copy area.

One banner sign is allowed for one continuous 30-day period, not to exceed two such periods in any calendar year. The banner sign shall be completely secured to a building or a sturdy frame on at least two opposite sides or at all four corners to prevent loose portions of the banner from moving in the wind, including possibly secured to metal stakes in the ground. Banner signs may not be attached to light poles or utilities poles, even on private property, such that it becomes a snipe sign. Such sign may display any temporary noncommercial or commercial message.

6. In Nonresidential Zones, in addition to all other signs, in any zoning district, holiday or cultural decorations may be displayed for a period of not more than forty-five (45) consecutive days prior to the holiday or cultural event they are intended to recognize, as determined by City Staff. They must be removed within five days after such holiday or cultural event they are intended to recognize, as determined by City Staff. Holiday or cultural decorations shall not contain a commercial message. These decorations are not subject to the area, and number limitations in Section N.7, page 24. No restrictions are placed on holiday decorations in Residential Zones.
7. Temporary Sign Area, Height, and Number Limitations:
  - a. In all Zones, the total number of all temporary signs (commercial and non-commercial) located on one premises at one time shall not exceed four (4) signs.
  - b. In all zones, individual temporary signs shall not exceed four (4) square feet in sign face area with a total of no more than twelve (12) square feet of sign face area of all temporary signs on a premises, except for:
    - 1) Banner signs governed by the limitation in Section N.5, page 23
    - 2) Real estate signs governed by the limitations in Section N.9, page 24
    - 3) Development signs governed by Section N.11, page 24
  - c. The maximum height for temporary signs resting on or inserted in the ground is five (5) feet, except holiday decorations.
8. Event Signs (including political signs and yard sale signs) Limitations:
  - a. The person or persons who are responsible for the erection, placement or distribution of any temporary sign that advertises an event is responsible for the removal of that sign within the time described below. Additionally, the person whose candidacy a political sign supports is jointly and severally responsible for removal for such sign and the cost thereof within the time described below.
  - b. Each temporary sign that advertises an event, including but not limited to political signs and yard sale signs, must include contact information for the persons responsible for its removal, as described above.
  - c. In all zones, all temporary signs that relate to an event, including but not limited to political signs and yard sale signs, shall be removed within forty-eight (48) hours after the event to which they pertain.
9. Real Estate Signs Regulations:
  - a. In Residential Zones, real estate signs shall contain no commercial message except

information advertising the property on which it is located for sale, rent, or lease, and information identifying the agency or other person offering the property and shall not exceed four (4) square feet in sign face area. These signs must be removed within five (5) days from the completion of sale. Only one real estate sign is allowed in Residential Zones per street frontage.

- b. In Nonresidential Zones, one temporary, non-illuminated real estate sign, advertising the sale, or lease of commercial land or structures, is permitted for each property. One additional sign may be permitted if the property has a minimum one hundred feet of street frontage on two (2) or more streets. Said signs shall not exceed twenty-four (24) square feet of sign face area, or five (5) feet in height.
10. In all zones, one construction sign is allowed per street frontage located on a property where construction is in progress as part of an approved site plan or valid building permit. Such sign may include the names of the persons, firms performing service or supplying labor, or supplying material to the premise. Such sign shall be removed upon the completion or sale of 85% of the lot sales or project completion, whichever is earlier.
  11. In all zones, one development sign is allowed per development and can only be placed at the entrance to the development and is subject to all other limitations in this Section and Article, except the maximum sign face area for development signs is twenty-four (24) square feet. Such sign shall be removed upon the completion or sale of 85% of the lot sales or project completion, whichever is earlier.
  12. Rigid signs shall be subject to all other requirements in this Article and Section and shall only have temporary information including, but not limited to, a construction sign, political sign pertaining to an election, candidate or referendum, real estate sign, or yard sale sign, or other event. Rigid signs with general advertisement information of a permanent nature are governed by regulations in Section S Portable Signs, no matter whether for a business, church or organization.
  13. See Section I.5, page 19, for limitations on illumination of temporary signs.
  14. Off-premises and / or directional temporary signs are prohibited.
  15. In Single Family Zones, no temporary commercial signs are allowed, except real estate, construction and development signs.
  16. Balloon signs with a commercial message, whether temporary or not, are prohibited.

#### Section O Portable Signs

Signs that are part of an individual's participation in a community-wide, city-sponsored special event (such as a festival or parade) are exempt from the following portable signs regulations during the time of that event.

1. In Nonresidential Zones, each new business, new business owner, new tenant, or new organization is allowed one portable sign for one continuous 21-day period in addition to an A-

- frame portable sign.
2. A temporary trailer-mounted sign shall be completely secured to prevent loose portions of the sign from moving in the wind to the extent that it would become a prohibited animated sign, or becomes a safety hazard as determined by the City Staff.
  3. Portable signs in Nonresidential Zones may only be placed on-premises, advertising an event, a product, a service, or message concerning the business or organization at that premises or advertising a political message.
  4. All portable signs are subject to the location limitations in Section G, page 14.
  5. Each portable sign shall not exceed thirty-two (32) square feet of sign face area, except A-frame signs (Section O.11, page 26) and wind signs (Section O.12, page 26).
  6. The maximum height allowed for a portable sign is five (5) feet, except A-frame signs (Section O.11, page 26), wind signs (Section O.13, page 26) and umbrella signs (Section O.10, page 26).
  7. Portable signs with temporary messages shall be governed by Section N, page 23, except portable signs with a marquee area and A-frame signs, both of which are governed by this Section. Changing or removing the message on a sign or moving it to a new location on the premises does not make it become a new portable or new temporary sign.
  8. Portable signs with a marquee are not allowed in Residential Zones.
  9. In any zone, rigid signs with a non-temporary commercial message and / or rigid signs in a Non-residential zone and does not have a temporary message are not allowed, except for auxiliary signs in accordance with Section H, page 16. Rigid signs with a temporary message are governed by Section N, page 23.
  10. Umbrella Signs:
    - a. Umbrella signs that contain a commercial message or advertising for a non-profit organization or religious organization and are covering a seating area or picnic table(s) shall not be subject to the time or number limitations in Section O.1, page 25 or the height limitations in Section O.6, page 25. New and pre-existing businesses or organizations may display these umbrella signs.
    - b. Umbrellas that contain a commercial message or advertising for a non-profit organization or religious organization and are not covering a seating area or picnic tables shall be subject to all the limitations in Section O, page 25, except the height limitations in Section O.6, page 25. These umbrella signs with a commercial, non-profit organization or religious organization message are not allowed in Residential Zones.
  11. A-frame signs:
    - a. Number, Time and Size: In Nonresidential zones, each business or organization that operates on a premise may display one A-frame sign that is not more than forty-eight (48)

inches high and not more than twenty-four (24) inches wide. Such A-frame signs shall not be subject to the time limitations described in Section O.1, page 25. Such signs shall only be on display during hours of operations. When such business or organization is closed, that is when no staff is present on the premises (except security), such A-frame sign must be removed from display.

- b. Message: A-frame signs may include a marquee or changeable copy and may display a general message or temporary message. The A-frame signs shall contain information and advertising for the business or organization at that premises. It shall not contain any endorsement or logos from an off premises organization or business.
- c. Location: A-frame signs are subject to all the location limitations that apply to portable signs, as described in Section G, page 14, including a specific A-frame location limitation in Section G.12, page 15.
- d. Construction: A-frame signs shall have a locking arm or other device to stabilize the structure.

12. Bench signs shall not be subject to the time limitations described in Section O.1, page 25.

13. Wind signs, inflatable signs and balloon signs (except those prohibited in Section E.2.f, page 12, and Section E.3.c, page 12, and banner signs with a temporary message, as governed by Section N.5, page 23) are subject to the time limitation in Section O.1, page 25. They are not subject to the number of signs limitation in Section O.1, page 25, or size limitation in Section O.5, page 25, or the height limitation in Section O.6, page 25. (See Section N.5, page 23, for regulations on banner signs with a temporary message.)

14. Permanent commercial message signs painted on or attached to trailers are allowed to be parked at the residence of the owner in a Residential Zone as long as the trailer is used in the daily, off-premises activity of the business. (See Section P, page 27.)

## Section P Vehicle Signs

Vehicle signs are allowed, within the following limitations;

1. It shall be unlawful to use a vehicle or trailer as a sign for the purposes of circumvention conformity with these regulations. All restrictions in this Article shall apply to vehicle signs, unless otherwise noted.
2. Signs attached to or painted onto a vehicle for which the vehicle's primary purpose is advertising and not transportation is prohibited, except as otherwise allowed in this Article.
3. Signs painted or affixed to vehicles (operable or inoperable) or trailers intended to be transported by a vehicle, which contain advertising or a commercial message and are not used in transportation of the work, that is the daily conduct of the business, are prohibited.
4. Signs on trailers that fall under the definition of a political sign are governed by Section N, page 23, unless it has a marquee, in which case it is governed by Section O, page 25.
5. Advertising and identifying signs located on taxicabs, buses, trailers used in the daily operation



of a business, trucks or vehicle bumpers are allowed.

#### Section Q Window and Door Signs

Window and glass door signs advertising activities, services, goods, events or products available within a building or on the premises are allowed in all zones, but shall not cover more than thirty percent (30%) of the total window and glass door surface on each side of a building for that tenant, business or organization. A bulletin board sign or message board / reader board signs that is displayed in a window or door shall not exceed thirty percent (30%) of that window or door.

#### Section R Penalties – Amended by Ordinance 2011-02 adopted March 7, 2011 to read:

1. The City shall be empowered to remove or cause to be removed, at the owner's expense, any and all prohibited signs.
2. Any person who places, or causes to be placed, any sign on public property or the right-of-way, shall be subjected to Section R(1) and a fee of \$100.00 for the first such occurrence. If said person should be subjected to this penalty for a second or subsequent occurrence, the fee shall be increased in increments of \$100.00 for each occurrence with a \$500.00 limit for the occurrences in a twelve month period. If the person or entity exceeds the limits as stated in this sub-paragraph, the City will seek Civil Remedies allowed by law to have the person or entity to cease and desist from such actions at the cause of the person or entity.
3. Any person who violates this ordinance shall be subjected to the following penalty fees: (1) on the first occurrence, the person or entity shall receive a warning that will be placed in the person's or entity's sign permit file; (2) on the second occurrence the person or entity shall be subjected to a penalty fee of \$100.00; (3) for any second or subsequent occurrence, the penalty fee will be increased by \$100.00 for each additional violation; (4) if any such person or entity that is in violation of the ordinance and the total penalty fee accrue to \$500.00, then the City will revoke the permit upon which the sign was granted, and the sign will be subjected under Section R(1).



## **ARTICLE 11. ADMINISTRATION, ENFORCEMENT, AMENDMENTS, AND PENALTIES.**

**Section 1101. Zoning Officer.** The Zoning Officer is hereby authorized, and it shall be said Officer's duty, to administer and enforce the provisions of this Ordinance. The Zoning Officer shall give information upon request as to the provisions of this Ordinance, and shall interpret the meaning of said Ordinance in the course of administration and enforcement thereof.

### **Section 1102. Building Permit (See amendment Ordinance 2013-18)**

**1102.01.** Building Permit Required. No building, sign or other structure shall be erected, moved, extended, enlarged or otherwise structurally altered until the Building Inspector has issued a Building Permit for such work. The Building Inspector shall not issue a Building Permit until conformance with the provisions of this Ordinance and the City of Clay Design and Construction Specifications is certified by the Zoning Officer through the issuance of Zoning Approval.

**1102.02.** Expiration of the Building Permit. Any Building Permit, under which, no construction work has commenced above the foundation walls or other foundation support after six months from the issuance of the permit, shall expire. Further, any Building Permit, issued for a property, shall expire upon the sale or transfer of said property to a new owner other than the person for which the Building Permit was originally issued and shall expire upon any change in the building contractor employed for the project at the time the permit was originally issued. Any Building Permit renewed subsequent to its initial approval and issuance shall, however, be subject to the provisions of all ordinances and amendments thereto in force at the time of said renewal.

**1102.03.** The Building Inspector shall not issue a Building Permit until conformance with the provisions of any deed restrictions is certified by the appropriate homeowners association through the Zoning Officer. Homeowners association within the city must register with the city and request to be included in the review process.

**1102.04.** To be eligible to register to review proposed plans the following conditions should exist.

- a. Any covenants and restrictions must be recorded with the deed.
- b. The HOA must be registered with the Alabama Secretary of State.
- c. All review powers claimed must be stated in the covenants.

**Section 1103. Zoning Approval.** The provisions of this section shall govern the filing for, and the applicability and issuance of, a Zoning Approval.

**1103.01.** Application. Each application for a Zoning Approval shall be filed in written format at the Clay City Hall, and shall include a Development Plan with the following requirements:

- A. The address and legal description of the property as of public record;
- B. The name of the property owner and the applicant;
- C. A description of the uses to be established or expanded;
- D. An accurate, dimensioned drawing, certified by a registered architect where required by the City of Clay Building Code, of the building plot showing the location of:
  1. buildings and structures, both existing and proposed;
  2. lot areas to be used;
  3. parking areas, including lighting and landscaping as required;
  4. water supply facilities;
  5. sewage disposal facilities; and
  6. any additional information as required and deemed necessary by the Zoning Officer to determine whether the provisions of this Ordinance and the Design and Construction Specifications are being observed.

**1103.02.** Expiration of Zoning Approval. Any Zoning Approval issued shall expire at the end of a ninety (90) day period from the date of issuance of approval.

**1103.03.** Non-conformities. In no case shall a Zoning Approval be issued for the construction or alteration of a structure not in conformity with the provisions of this Ordinance except as may otherwise be permitted for issuance of a Building Permit as provided for in §803.

**Section 1104. Certificate of Occupancy.** No land, building or other structure or part thereof hereafter erected, moved, or altered following issuance of a Building Permit shall be occupied or utilized until the Building Inspector of the City shall have issued a Certificate of Occupancy stating that such land, building, structure or part thereof is found to be in conformity with the provisions of this Ordinance, City of Clay Building Code, and the Design and Construction Specifications.

**1104.01.** Within three days after the owner or his agent has notified the Building Inspector that such building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector, the Zoning Officer, and any other appropriate authority of the City to make a final inspection thereof, and to jointly issue a Certificate of Occupancy for the building, premises or part thereof found to conform to:

- A. The provisions of this Zoning Ordinance;
- B. The provisions of the City of Clay Building Code;
- C. The provisions of the City of Clay Design and Construction Specifications and other pertinent regulations;
- D. The content of the site development and use information submitted in the application for zoning approval; and
- E. The content of the site development and use information submitted in an application for Rezoning as applicable, and any restrictions or conditions resulting from said petition for the change in zoning.

**1104.02.** In the case said land, building, structure or part thereof is not found to conform in any ways to any of the items set forth above, a Certificate of Occupancy shall be refused and said refusal and the cause for same shall be provided in a written statement to the grantee of the Building Permit.

**Section 1105. Amendments.** 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 herein.

**1105.01.** Petitions to Amend this Ordinance and/or the Zoning Map may be initiated by:

- A. The owner of the land, or the owner's authorized agent, in which case, a notarized letter to that effect is required upon filing of an application with the Commission; or
- B. By the introduction of a resolution for such purpose by any member of the Commission or City Council.

**1105.02.** Application. An application for any change in zoning shall be filed with the Zoning Officer at least fifteen working days prior to the next regularly scheduled meeting of the Commission. Any petition/application so filed shall include, at a minimum, the following items and information and no petition/application shall be accepted without such items:

- A. Statement of the nature of the proposed amendment;
- B. Parcel identification number(s), address(es) and, if applicable, a legal description of the property(ies) involved;
- C. Names and addresses of the owner(s) of said property;
- D. Statement of how the property(ies) involved is to be used;
- E. A Development Plan including a dimensional drawing(s) of the property, showing proposed buildings, structures, parking areas, loading and service areas, access, buffers and screening, signage, landscaping, and any additional information as may be required and deemed necessary by the Zoning Officer to determine whether the provisions of this Ordinance and other applicable regulations can be observed and to allow for adequate evaluation of potential land use conflicts or other adverse impacts

on adjacent properties and the surrounding area, including but not limited to traffic, light, noise, and drainage.

**1105.03.** Action on Petitions. The Zoning Map and Ordinance shall only be amended after a recommendation by the Commission and passage of an amendment by the City Council. Recommendations by the Commission and final action on a Rezoning request by the Council shall take into consideration the following:

- A. Compatibility with the Comprehensive Plan;
- B. Availability and adequacy of public infrastructure and services, including water, sewer, roads, police and fire protection, etc.; and
- C. Impacts of the requested change on neighboring properties and the surrounding area, including traffic, noise, light, odors, etc.

**1105.04.** Spot Zoning. Upzoning of a property of less than two acres, not contiguous to other properties zoned the same as is requested or not contiguous to other Zones of an equally or more intense nature, shall not be approved except in conformity with the Comprehensive Plan. This prohibition shall not apply to properties requested to be rezoned to an Institutional Zone. Further, wherever the Council, after a recommendation by the Commission, finds that a Rezoning, as requested, is desirable, appropriate and promotes the general welfare, but is otherwise in conflict with the Comprehensive Plan; the Council shall cause the Comprehensive Plan to be officially amended to incorporate such finding.

**1105.05.** Subsequent action, following the proper filing of a petition/application and required materials and fees, shall be:

- A. The Commission shall consider a petition/application at the first regularly scheduled meeting following proper filing of said petition.
- B. The Commission shall have seventy (70) days after the public hearing in which to make a recommendation to the City Council. The recommendation of the Commission shall be advisory only and shall not be binding on the Council. Failure of the Commission to submit such a recommendation within the prescribed time shall constitute a favorable recommendation.
- C. The Commission may recommend denial of the petition, approval, or approval upon consideration of certain conditions, which shall be provided in writing to the Council.
- D. No amendment to this Ordinance or the Zoning Map shall become effective unless it has been submitted to the Commission for a recommendation.
- E. Only after a recommendation by the Commission regarding a petition/application has been recorded and submitted to the Council shall the Council take action on said petition.

#### **Section 1106. Expiration.**

**1106.01.** In any case where construction, alteration or use of a building, structure or land has not been initiated within one year from the date of the Council's approval of a Rezoning application, such property shall revert to the zoning classification held prior to Rezoning. The property owner or other designated representative shall be required to file a new petition/application for Rezoning after a one-year period as required in accordance with §1108. The Council may waive such expiration in any case where sufficient evidence is presented that a good faith effort has been made by the Applicant to proceed with the project originally approved. Evidence shall show that the delay resulted from circumstances beyond the control of the Applicant.

**1106.02.** In any case where, prior to construction, alteration or use of a building, structure or land following a Rezoning of the subject property, there occurs a sale or transfer in ownership to other than the Owner or Developer presenting the application and required plans, the property shall revert to the zoning classification held prior to Rezoning. The new owner or other designated representative shall be required to file a new petition/application for Rezoning after a one-year period as required in accordance with §1108.

**Section 1107. Notice of Public Hearing.** No changes in or amendments to the provisions of this Ordinance or Zoning Map shall become effective until after a public hearing in relation thereto, and at which interested parties

and citizens shall have the opportunity to be heard. Written notice shall be given to all property owners within 500 feet of a property being considered for Rezoning, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public. In the event there are no other property owners within 500 feet, the adjacent property owners shall be notified. Notice shall be posted within the required time frame in four (4) public locations.

**1107.01.** Notice of Hearing Before the Commission. At least seven days notice of the time and place of such hearing by the Commission shall be required.

**1107.02.** Notice of Hearing Before the City Council. At least fifteen days notice of the time and place of such hearing by the Council shall be required.

- A. The written notice to property owners provided for the hearing before the Commission shall also provide the necessary information as required for notice of the Council Hearing for the same case(s) and such shall fully accommodate the requirements of §1102.
- B. Whenever the Commission fails to reach a decision on an application, for which notice of the originally scheduled Council hearing on the same case has already been given, a new notice shall be provided to the applicable property owners with the rescheduled date of the Council Hearing.

**Section 1108. Time Limits.** After the Council has voted on a petition/application for an amendment to this Ordinance or Zoning Map, another petition/application for the same kind of Rezoning of the same property, or for the same change of the same portion of the Zoning Ordinance, shall not be considered until a period of one year has elapsed from the date of such action by the Council.

Furthermore, the withdrawal of a petition/application to amend the Ordinance or the Zoning Map after the hearing by the Commission but prior to hearing by the Council shall also require a one year period of time before another application of the same nature may be submitted.

Be it further provided with regard to this Section, however, that the Commission may adjust this time period if, in the opinion of the majority of the Commission, an unusual situation or circumstance exists which would warrant another hearing prior to expiration of the one year period stipulated herein. Such circumstances may include, but shall not be limited to, the following and any combination thereof: 1) change in ownership of the applicable property, 2) provision of utilities, public services or public improvements not available at the time of the original request, 3) Rezoning of adjacent properties which would tend to support the original request, and 4) amendments to this Ordinance or the Comprehensive Plan which would tend to support the original request.

**Section 1109. Temporary Emergency Relief.** The Zoning Officer is hereby granted authority to provide immediate emergency and temporary relief to applicants requesting such relief for the issuance of permits authorizing the installation of manufactured homes on applicants' property only under **all** of the following conditions: 1) Such permit shall be temporary and not to exceed one year from the date of issuance; 2) Such permit shall not be transferable; and 3) Prior to the issue of such permit, the Zoning Officer shall be reasonably satisfied that the applicant's requested relief is necessary, and that the need for such relief was primarily caused by damage resulting from fire or natural disaster.

**Section 1110. Remedies and Penalties for Violations.** In accordance with Section 83, Chapter 52, Title 11 of the Code of Alabama, 1975, as amended, it shall be unlawful for any building or structure to be erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land to be used in violation of any provision or amendment of this Ordinance.

**1110.01.** Remedies. In any case where any building or structure is erected, constructed, reconstructed, altered, repaired, converted, maintained or used, or any structure, building or land is used in violation of this Ordinance as set forth above, the Building Inspector, Zoning Officer or other appropriate authority of the City may institute injunction, mandamus or any other appropriate action or proceedings to:

- A. Stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;
- B. Restrain, correct, abate or remove such violation;
- C. Prevent the occupancy of such building, structure, or land; or,
- D. Prevent any illegal act, conduct, business or use in or about such premises.

**1110.02. Procedures. (See Amendment Ordinance 2007-12)** Prior to any criminal prosecution, the Zoning Officer or an agent thereof shall give a written notice or citation to the person, firm, corporation or other organization violating and provision of this Ordinance stating the rule or regulation being violated, and notifying said person, firm, corporation or organization to cease and desist such violation immediately or otherwise be prosecuted as provided for herein. The notice shall fix a reasonable time for compliance, as approved by the Council based on the nature of the violation and effort required for compliance.

**1110.03. Penalties.** Any person or entity which violates any regulation in, any provision of or any amendment to this Ordinance shall, upon conviction, be fined at least the cost of court, plus not more than \$500.00 or imprisonment for not more than 180 days or both, for each offense. Each and every day during which such violation continues shall be deemed a separate offense. Conviction or a violation and imposition of any fine shall not constitute an exemption from compliance with the regulations and other provisions of this Ordinance.

**1110.04. Further Provisions.** In any case of violation of this Ordinance as set forth herein, any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, may institute injunction, mandamus or other appropriate legal action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, use or use, or to correct or abate such violation, or to prevent occupancy of, such building, structure or land.

The Zoning Officer or other appropriate authority of the City may intervene in any such action, suit or proceedings wherein there is involved any violation of any regulation in, provision of or amendment to this Ordinance. When such intervention takes place, said Officer or other appropriate authority shall be deemed to be, and shall be treated as, an original party to the action, suit or proceedings. It is the intent of this Section that any action, suit or proceedings in which such authority of the City intervenes shall proceed the same as if said authority had been an original party insofar as any statute, act or rule prohibiting an entire change of parties is concerned.

**Section 1111. Fees. (See Amendment Ordinance 2012-06)** The Council shall, from time to time, establish or modify fees for the following procedures, permits, and/or applications as required by this Ordinance, the Subdivision Regulations and the Design and Construction Specifications. The fees and charges specified by the Council shall be non-refundable and shall not be conditioned upon or related to the action taken with respect to the application. Churches, City properties, projects funded entirely by the City of Clay and the hearing process for assigning initial zoning to annexed properties, in accordance with Section 205, shall be exempt from all such zoning fees.

- Downzoning from a Single-Family Residential Zone (no fee will be charged)
- Upzoning from a Single-Family Residential Zone to another Residential Zone
- All other Rezoning
- Variances on Single-Family Residential Properties
- Special Exceptions for Accessory Dwellings
- Special Exceptions for Telecommunications Towers/Antennae
- All other Variances and Special Exceptions
- Subdivision Reviews (Preliminary and Final Plats)
- Land Disturbance Permits
- Temporary and Permanent Sign Permits
- Building Permits (under 5000 sf)
- Building Permits (over 5000 sf)
- Manufactured Home Permits
- Fence/Wall Permits





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**ARTICLE 12. ZONING BOARD OF ADJUSTMENT  
(See Amendment Ordinances 2012-06, 2013-02)**

**Section 1201 Establishment and Procedures**

**1201.01.** Creation and Membership. A Zoning Board of Adjustment, herein after called the Board, for the City of Clay was established on January 6, 2003 according to the provisions as herein provided. The Board shall be composed of five members and two supernumerary members appointed by the City Council, the supernumerary members shall serve the Board at the call of the chairman only in the absence of regular members. Each member of this Board shall serve without compensation and may be removed for cause by the appointing authority upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The appointment, procedures, powers and actions of said Board shall be governed and controlled by Title 11, Chapter 52, Article 4, Sections 80 and 81 of the Code of Alabama, 1975, and amendments thereto.

**1201.02.** Meetings, Procedures and Records. Meetings of this Board shall be held at such times the Board may determine, or upon call of the chairperson. Such chairperson or, in their absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

This Board shall adopt its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, so indicating such fact. All records of the Board's examinations and of other official actions shall be immediately filed with the City Clerk and shall be of public record.

All procedures, bylaws and records shall be public record and be made available and shall immediately be filed in the office of the board

**1201.03.** Appeals.

Appeals to the Board must be filed with the City Clerk of the City of Clay together with information and documentation and in such form required by the Board

This Board shall fix a reasonable time for the hearing of an appeal taken within the time specified, and shall give public notice thereof as well as due notice to all adjoining property owners. Public notice shall be for a period of no less than fifteen (15) days. Written notice shall be given to all property owners adjoining a property being considered for an appeal, and an additional notice shall be posted on or as near the site as possible to serve as visual notification to the general public. A decision, regarding said appeal, shall be made by the Board within a reasonable time. Upon the hearing of such appeal, any party may appear in person, by agent or by attorney.

The City Clerk of the City of Clay shall be in charge of giving notice to adjoining property owners of the hearing to be held by the Board, in such manner as is required by applicable state law.

**1201.04 Time** Limit for Rehearing. A request for hearing before the Board which has been denied on first presentation shall only be accepted for re-hearing after a waiting period of six (6) months, unless significant changes occur which would warrant another hearing as determined by the Board. In any request for re-hearing less than six months from the calendar date of the initial hearing, the applicant must present evidence that the conditions pertinent to the case have changed significantly. If the Board is convinced by four concurring votes that there has been a significant change, an application can be filed and treated as a new request and will be heard at a subsequent meeting.

**Section 1202 Powers and Duties.**

**1202.01.** Powers and Duties.

The Powers and Duties of the Board are set forth in Section 11-52-80 of the Code of Alabama, 1975, as amended; these include but are not limited to:

- A. To hear and decide appeals where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.
  
- B. To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinance; and

- C. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
- D. The Board may, in conformity with the provisions of this article, reverse, or affirm, wholly or partly, or may modify the order, requirement, decision, or, determine appealed from and may make such order, requirement, decision, or determination as ought to be made and, to that end shall have all the powers of the office from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.
- E. The Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called on by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

**1202.02.** Administrative Review. To hear and decide appeals where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance or amendment thereto. In exercising the power of Administrative Review, the Board shall apply and not vary the terms of this ordinance. Such appeals may include the following:

- A. Hear and decide upon request for the interpretation of the provisions of this ordinance;
- B. Determine the precise location of boundary lines between zones when there is dissatisfaction with a decision regarding said subject by an administrative official; or
- C. Classification of a use, which is not specifically mentioned within the ordinance, for the purpose of determining the permissiveness of such use in any Zone.

**1202.03.** Special Exceptions. Within this ordinance, there are exceptions to the permitted uses of land listed in certain Zones and are identified as Special Exception uses. The Board is specifically authorized to:

- A. Hear and decide such Special Exceptions;
- B. Decide such questions as are involved in determining whether Special Exceptions should be granted; and
- C. Insure that Special Exceptions are granted only when they conform to the spirit and intent of this ordinance.

In exercising this power regarding Special Exceptions, the Board shall follow the language of this ordinance exactly, and should make certain that all the conditions specified in this ordinance have been met. Furthermore, the Board may compel the applicant to meet any additional requirements, which the Board deems necessary, to protect surrounding neighborhoods from undue congestion, excessive light and/or noise, odors, and other impacts which might otherwise be incurred by the exception.

**1202.04.** Variances. The Board may authorize, upon appeal in specific cases, such variance or variances from the terms of this ordinance as will not be contrary to the public interest and, where owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

**1202.05.** Validity and Applicability of Variances and Special Exceptions. Any variance or special exception granted by the Board, in addition to any other relevant provisions of this section, shall be applicable only to the land or property which is the subject of the Board's action.

**Section 1203. Appeals from Actions of the Board.** Any party aggrieved by any final judgment or decision of such board of zoning adjustment may within 15 days thereafter appeal therefrom to the circuit court by filing with the Board of Zoning Adjustment a written notice of appeal specifying the judgment or decision from which the appeal is taken. In case of such appeal the Board of Zoning Adjustment shall cause a transcript of the proceedings in the action to be certified to the court to which the appeal is taken, and the action in such court shall be tried de novo.

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**ARTICLE 13. LEGAL STATUS PROVISIONS**

**Section 1301. Conflict with Other Regulations.** Whenever the regulations of this Ordinance or supplement thereto are more restrictive than required under any other statute, the requirements of this Ordinance and supplements thereto shall govern. Whenever the provisions of any other statute are more restrictive than required by this Ordinance or supplements thereto, the provisions of such statute shall govern.

**Section 1302. Validity.** This Ordinance and the various articles, sections, subsections, sentences, clauses, supplements, etc. contained and referenced herein are hereby declared to be severable. Should any section, provision or other element of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**Section 1303. Repeal of Existing Zoning Resolution.** All ordinance or parts of ordinances in conflict with this Ordinance are hereby repealed. Any previous resolutions referring to and/or authorizing such administration and regulation as provided for in this Ordinance, prior to as if in place of this Ordinance, are also hereby repealed.

**Section 1304. Effect Upon Outstanding Building Permits.** Nothing contained herein shall require any change in plans, construction, size or designed use of any building, structure or part thereof for which there is a valid outstanding permit on the date of passage of this Ordinance. However, any further construction or use shall be in conformance shall be in conformance with this Ordinance.

**Section 1305. Effective Date.** This Ordinance shall take effect and be in force immediately after adoption by the City Council of the City of Clay, Alabama.

Done this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk

I, Robert Christmas, City Clerk of Clay, Alabama, do hereby certify that Ordinance Number \_\_\_\_\_ has been posted by me at the following places located within the corporate limits of Clay.

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
City Clerk

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