

# **ZONING ORDINANCE**

**OF THE CITY  
OF  
CLAY, ALABAMA**

## **A Comprehensive Revision and Update**

**Approved December 21, 2017**

in public hearing by the  
**Clay Planning Commission**

**Adopted January 9, 2018**

as amended in public hearing by the  
**Clay City Council**

## TABLE OF CONTENTS

|             | TITLE                                                 | PAGE |
|-------------|-------------------------------------------------------|------|
| ARTICLE 1   | PREAMBLE AND ENACTMENT CLAUSE                         | 6    |
| ARTICLE 2   | SHORT TITLE                                           | 7    |
| ARTICLE 3   | THE OFFICIAL ZONING MAP                               | 7    |
| ARTICLE 4   | PURPOSE                                               | 7    |
| ARTICLE 5   | APPLICATION OF REGULATIONS                            | 8    |
| ARTICLE 6   | ANNEXATIONS                                           | 8    |
| ARTICLE 7   | DEFINITIONS                                           | 9    |
| ARTICLE 8   | ESTABLISHMENT OF DISTRICTS                            |      |
| Section 801 | Zoning Districts                                      | 32   |
| Section 802 | Interpretation of District Boundaries                 | 32   |
| ARTICLE 9   | USE REGULATIONS FOR ZONING DISTRICTS                  |      |
| Section 901 | R-E Estate Residential District                       | 33   |
| Section 902 | R-L Low Density Single Family Residential District    | 36   |
| Section 903 | R-M Medium Density Single Family Residential District | 37   |
| Section 904 | R-H High Density Single Family Residential District   | 38   |
| Section 905 | R-P Planned Development District                      | 40   |
| Section 906 | R-R Rural Residential District                        | 49   |
| Section 907 | A-G Agricultural District                             | 51   |
| Section 908 | P-I Public and Institutional District                 | 53   |
| Section 909 | P-U Public Utilities District                         | 56   |
| Section 910 | C-N Neighborhood Commercial District                  | 58   |
| Section 911 | C-G General Commercial District                       | 61   |
| Section 912 | C-S Special Commercial District                       | 64   |
| Section 913 | I-1 Light Industrial District                         | 66   |
| Section 914 | I-2 Heavy Industrial District                         | 68   |
| Section 915 | I-3 Mining and Manufacturing District                 | 70   |
| Section 916 | C-U Current Use District                              | 72   |

|              |                                                                                  |     |
|--------------|----------------------------------------------------------------------------------|-----|
| ARTICLE 10   | GENERAL REGULATIONS AND PROVISIONS                                               |     |
| Section 1001 | Uses In General                                                                  | 74  |
| Section 1002 | Accessory Uses                                                                   | 74  |
| Section 1003 | Incidental Uses                                                                  | 74  |
| Section 1004 | Temporary Uses                                                                   | 75  |
| Section 1005 | Use Exemptions                                                                   | 75  |
| Section 1006 | One Main Building on a Lot                                                       | 75  |
| Section 1007 | Garage Apartments, Guest Houses and Accessory Dwellings                          | 75  |
| Section 1008 | Buffer, Privacy Fence and Screening Requirements                                 | 76  |
| Section 1009 | Planting and Maintenance Requirements for<br>Buffers, Landscaping and Screening  | 78  |
| Section 1010 | Building Materials Standards                                                     | 79  |
| Section 1011 | Communication Towers                                                             | 79  |
| Section 1012 | Limitations, Conditions and Requirements<br>Pertaining to the Keeping of Animals | 80  |
| ARTICLE 11   | AREA AND DIMENSIONAL REQUIREMENTS                                                |     |
| Section 1101 | General Requirements                                                             | 85  |
| Section 1102 | Exceptions and Modifications to Area<br>and Dimensional Requirements             | 87  |
| ARTICLE 12   | SUBDIVISION AND DEVELOPMENT ALTERNATIVES                                         |     |
| Section 1201 | Conservation Subdivisions                                                        | 89  |
| Section 1202 | Cottage Subdivisions                                                             | 97  |
| Section 1203 | Manufactured Home Parks                                                          | 99  |
| ARTICLE 13   | SIGN REGULATIONS                                                                 |     |
| Section 1301 | General Regulations Applying to All Signs                                        | 101 |
| Section 1302 | Signs Permitted in Specified Zoning Districts                                    | 104 |
| Section 1303 | Prohibited Signs                                                                 | 107 |
| Section 1304 | Permitting Procedures                                                            | 108 |
| ARTICLE 14   | PARKING REGULATIONS                                                              |     |
| Section 1401 | Off-Street Parking                                                               | 110 |
| Section 1402 | Minimum Parking Requirements                                                     | 111 |
| Section 1403 | Reduced Requirements for Shared Parking                                          | 114 |
| Section 1404 | Parking Lot Landscaping Requirements                                             | 114 |

|              |                                                                          |     |
|--------------|--------------------------------------------------------------------------|-----|
| ARTICLE 15   | HOME OCCUPATION REGULATIONS                                              |     |
| Section 1501 | General Regulations Regarding Home Occupations                           | 115 |
| Section 1502 | Procedures for Permitting Home Occupations                               | 116 |
| Section 1503 | Monitoring, Inspection and Enforcement of<br>Home Occupation Regulations | 117 |
| ARTICLE 16   | NON-CONFORMING USES                                                      |     |
| Section 1601 | Continuance of Non-Conforming Uses and Structures                        | 118 |
| Section 1602 | Discontinued Non-Conforming Uses                                         | 118 |
| Section 1603 | Structural Extensions and Alterations                                    | 118 |
| Section 1604 | Use Extensions                                                           | 119 |
| Section 1605 | New Construction for Conforming Uses                                     | 119 |
| Section 1606 | Destruction of a Non-Conforming Use                                      | 119 |
| ARTICLE 17   | ADMINISTRATION, ENFORCEMENT, AMENDMENTS, PENALTIES                       |     |
| Section 1701 | Zoning Officer                                                           | 120 |
| Section 1702 | Building Permit                                                          | 120 |
| Section 1703 | Zoning Approval                                                          | 120 |
| Section 1704 | Certificate of Occupancy                                                 | 121 |
| Section 1705 | Amendments                                                               | 122 |
| Section 1706 | Petition to Amend: Requesting Changes in Zoning<br>or to This Ordinance  | 122 |
| Section 1707 | Action on Petitions                                                      | 124 |
| Section 1708 | Notice of Public Hearing                                                 | 125 |
| Section 1709 | Time Limit                                                               | 126 |
| Section 1710 | Temporary Emergency Relief                                               | 127 |
| Section 1711 | Remedies and Penalties for Violation                                     | 127 |
| ARTICLE 18   | ZONING BOARD OF ADJUSTMENT                                               |     |
| Section 1801 | Establishment and Procedures                                             | 129 |
| Section 1802 | Powers and Duties                                                        | 131 |
| Section 1803 | Appeals from Actions of the Zoning Board of Adjustment                   | 134 |
| ARTICLE 19   | FEEES                                                                    | 135 |
| ARTICLE 20   | LEGAL STATUS PROVISIONS                                                  |     |
| Section 2001 | Conflict With Other Regulations                                          | 136 |
| Section 2002 | Validity                                                                 | 136 |
| Section 2003 | Repeal of Existing Zoning Resolution                                     | 136 |
| Section 2004 | Effect Upon Outstanding Building Permits                                 | 136 |
| Section 2005 | Effective Date                                                           | 136 |

**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 Council of Clay deemed 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 appointed the Clay Planning Commission as the "zoning commission" to recommend the boundaries of the various districts and the appropriate regulations to be enforced therein; and,

WHEREAS the City Council had accordingly adopted such regulations and districts, as recommended by the Planning Commission in December 2002, followed by a substantially revised Ordinance and new districts recommended by the Planning Commission in March 2006; and,

WHEREAS after ten years, during which there had been an unusually high number of amendments to the 2006 Ordinance, the Clay City Council had determined that the revised Ordinance contained too many errors, omissions, contradictions and redundancies; was too cumbersome upon the City and its citizens; and, in fact, had proved counterproductive to the City's development goals and objectives; and,

WHEREAS the City Council directed that the Ordinance be revised again so as to be easier to both understand and administer; to have a more practical overall application within the City; to better reflect and address the specific character, conditions, needs, goals and development objectives that are unique to the City of Clay, Alabama; and to be more compatible with adjoining zoning jurisdictions across Clay's municipal boundaries; and,

WHEREAS the City, with the assistance of a professional Planning Consultant, has prepared such revision on behalf of the Planning Commission, which in turn has ratified the revised Zoning Ordinance as complying with the City's Comprehensive Plan requiring updates to its development documents in order to stay current with what is occurring within City; and,

WHEREAS the Planning Commission, having given due public notice and held a hearing on the revised Ordinance and accompanying zoning districts, 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 a Zoning Ordinance setting forth the revised districts, regulations and restrictions, and has held said public hearing thereon; 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 Planning 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: