

ARTICLE III
GENERAL REGULATIONS

Sec. 1.0. General Use Regulations.

The following general regulations pertain to the administration, enforcement of, and compliance with this Ordinance.

1.1 **Application of This Ordinance.** No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City of Clanton except as specifically or by necessary implication, authorized by this Ordinance.

1.2 Except as Otherwise Provided in This Ordinance.

- A. No land may be used except for a purpose permitted in the district in which it is located.
- B. No building shall be erected, converted, enlarged, reconstructed, moved, or structurally altered, nor shall any building be used except for a use permitted in the district in which the building is located.
- C. No building shall be erected, enlarged, reconstructed, moved, or structurally altered except in conformity with the area regulations and height limit of the district in which the building is located.
- D. The minimum building line, parking spaces, open spaces, including lot area per family, required by this Ordinance for each and every building existing at the time of the passage of this Ordinance or for any building hereafter erected, shall not be encroached upon or considered as a required building or open space for any other building, nor shall any lot area be reduced below the requirements of this Ordinance.
- E. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building and one main use on one lot. Accessory structures shall not include living quarters; neither will sanitary facilities be permitted in accessory structures without the approval of the Clanton City Council.

1.3 Joint Occupancy.

No structure shall be erected, structurally altered for, or used as a single-family or two-family dwelling simultaneously with any other use.

1.4 Public Utilities.

Utility structures including, but not limited to, poles, wires, crossarms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other utilities may be constructed, erected,

repaired, maintained or replaced within any district within the City. This is not to be construed to include the erection or construction of buildings. (see district regulations for public utility facilities and services)

Sec. 2.0. Non-Conforming Uses.

Within the districts established by this Ordinance or amendments that may be later adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment, it is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

2.1 Non-Conforming Lots of Record.

Where a lot of record at the time of the effective date of this Ordinance had less area or less width than herein required for the district in which it is located, said lot may none the less be used as a building site provided the yard space and other requirements conform as closely as possible in the opinion of the Board of Adjustment for the district in which it is located. However, this provision shall not apply when two (2) or more such lots exist with continuous frontage in single ownership at the time of passage of this Ordinance or any time thereafter. Such land shall be considered to be an undivided parcel for the purpose of this Ordinance and shall not be used or sold in a manner which creates lot width or area below the requirements stated in this Ordinance.

2.2 Continuance.

A lawful non-conforming use existing at the time of the effective date of this Ordinance may be continued, except as hereafter provided, although such use does not conform with the provisions of this Ordinance.

2.3 Restoration to Safe Condition.

Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

2.4 Restoration After Damages.

No non-conforming building or structure which has been damaged by fire or other causes to the extent of more than 50 percent of its current replacement value at the time of such damage shall be rebuilt or restored, except in conformity with the provisions of this Ordinance. If a non-conforming building is damaged less than 50 percent of its current replacement value it may be rebuilt or restored and used as before the damage.

2.5 Abandonment.

A non-conforming use which has been discontinued for a continuous period of one year shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

2.6 Change in Use.

A non-conforming use shall not be changed to another non-conforming use.

2.7 Abandoned Right-of-Way.

Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Clanton, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations to the extended district.

2.8 Structures Conforming to District Regulations But Not Other Regulations.

A structure or building conforming to the use regulations of a district, but not conforming to other provisions of this Ordinance, may be enlarged or altered, provided, that such enlargement or alteration conforms to the provisions of this Ordinance.

2.9 Buildings To Be Moved.

Any building or structure which is to be moved to any location within the City Limits of Clanton, shall be considered for the purpose of this Ordinance to be a new building under construction, and as such shall conform to the applicable provisions of this Ordinance.

2.10 Reduction in Lot Area Prohibited.

No lot shall be reduced in area so that yards and other open spaces total less than the minimum area required under this ordinance. However, where a lot of official record at the time of adoption of this ordinance does not consist of sufficient land to enable the owner to conform to the yard and other requirements of this ordinance, such lot may be used as a building site provided in the opinion of the Board of Zoning Adjustment it conforms as closely as possible to the requirements of the district in which it is located. (also see subsection 2.1)

2.11 Dwelling Prohibitions.

No dwelling shall be erected on a lot which does not abut on at least one (1) improved street for at least twenty-five (25) feet. No building in the rear of the main building on the same lot may be used for residential purposes.

2.12 Corner Visibility in Residential and Commercial Districts.

In a residential or commercial district, no fence, wall, shrubbery, sign, marquee, or other obstructions to vision between the heights of three and one-half (3 1/2) feet and fifteen (15) feet above street level shall be

permitted within twenty (20) feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad right-of-way line.

2.13 Future Street Lines.

On any lot which, at the time of adoption of this ordinance, or at the time this ordinance is changed by amendment hereafter, may be reduced in area by widening a public street to a future street line as indicated on the duly adopted "Major Street Plan", or as same may be hereafter amended, the minimum required yards, the minimum required lot area, the minimum required lot width and maximum building area shall be measured by considering the future street line as the lot line of such lot.

2.14 Abatement of Noise, Smoke, Gas, Vibration, Fumes, Dust, Fire and Explosion Hazard or Nuisance.

The Board of Zoning Adjustment may require the conduct of any use, conforming or non-conforming use, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion, hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort and convenience. The Board of Zoning Adjustment may direct the Building Inspector to issue an abatement order, but such order may be directed only after a public hearing by the said Board, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted in addition to due notice by advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Board of Zoning Adjustment either upon petition signed by any person affected by the hazard or nuisance or upon the initiative of the Board. An abatement order shall be directed by the Board of Zoning Adjustment only upon reasonable evidence of hazard or nuisance and such order shall specify the date by which the hazard or nuisance shall be abated.