

## ARTICLE V. - DISTRICTS, BOUNDARIES AND GENERAL REQUIREMENTS

### 5.1. - Establishment of districts.

In order to regulate and restrict the height, number of stories and size of buildings or structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land use. The City of Atmore shall establish zoning use districts based on the following use classifications or variations thereof:

- 5.11 *R-1, Low Density Residential District.* This district is provided to afford the opportunity for the choice of a low density residential environment consisting of single-family homes on large lots.
- 5.12 *R-2, Medium Density Residential District.* The purpose of this district is to provide for medium density residential developments in single-family and duplex structures on medium sized lots.
- 5.13 *R-3, High Density Residential District.* The intent of this district is to provide the opportunity for high density, single-family, duplex and multi family residential development, including mobile homes meeting lot size requirements.
- 5.14 *B-1 Local Business District.* This district is intended to provide for limited retail convenience goods and personal service establishments in residential neighborhoods and to encourage the concentration of these uses in one location for each residential neighborhood rather than in scattered sites occupied by individual shops throughout a neighborhood.
- 5.15 *B-2 General Business District.* This district is intended to provide opportunity for activities causing noise and heavy traffic, not considered compatible in the more restrictive business district. These uses also serve a regional as well as a local market and require location in proximity to major transportation routes. Recreational vehicle parks, very light production and processing activities are included.
- 5.16 *M-1 Light Industrial District.* The purpose of this Light Industrial District is to provide a suitable protected environment for manufacturing, research and wholesale establishments which are clean, quiet and free of hazardous or objectionable emissions, and generate little industrial traffic. Locations should be in accordance with the City's Comprehensive Plan.
- 5.17 *M-2 General Industrial District.* The purpose of this General Industrial District is to provide a suitable environment for manufacturing activities. These districts are located for convenient access from existing and future arterial thoroughfares, highways and railway lines, and are in many instances separated from residential areas by business or light industrial areas or by natural barriers; where they are adjacent to residential areas, some type of artificial

separation may be required. The district regulations are designed to permit the development of the district for almost any industrial uses, subject to the minimum regulations necessary for the mutual protection of the uses.

5.18 *DBD Downtown Business District*. The purpose of this district is to establish uses compatible with a vibrant commercial and retail center and a downtown area suitable for restaurants and family friendly entertainment. Uses which are not compatible with this purpose are restricted to other areas of the city.

(Ord. No. 02-2006, 4-24-2006; Ord. No. 05-2007, § 2, 10-22-2007; Ord. No. 02-2014, § 1, 4-21-2014)

## 5.2. - Rules for determining boundaries.

The boundaries of the districts are shown on the map adopted for the City. Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Officially Adopted Zoning Map, the following rules shall apply:

- 5.21 Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, centerlines of streets, highways, alleys, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- 5.22 Where district boundaries are approximately parallel to the centerlines of streets, highways, or railroads, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
- 5.23 Where a public road, street or alley or other public property is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
- 5.24 In case the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall interpret the map and render a decision. Any such decision may be appealed to the Board of Adjustment.

## 5.3. - General requirements.

Except as hereinafter provided, the following shall generally apply:

- 5.31 *Use*. No building, structure or land shall hereafter be used or occupied and no building or part thereof shall be erected, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is or is to be located.

5.32

*Building Heights.* No building shall hereafter be erected, constructed or altered so as to exceed the height limit specified in the regulations herein except as otherwise provided in the Ordinance.

- 5.321 Height Exceptions. The height limits for the various districts shall not apply to church spires, belfries, cupolas, penthouses, or domes not used for human habitation, nor to chimneys, ventilators, skylights, water tanks, parapet walls, cornices, radio and television transmitting and receiving antennas, or necessary mechanical appurtenances usually carried above the roof level, provided that such features are limited to that height necessary for their proper functioning.
- 5.322 Building height shall be measured from finished grade except where base flood elevations apply, in which case two (2) stories shall be allowed above the minimum required ground floor elevation, except as provided for elsewhere in this Ordinance.
- 5.33 *Lots.* No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use.
- 5.34 *Yards.* No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.
- 5.35 *Multifamily.* Site plans for all multifamily dwellings intended for occupancy by three or more families shall be submitted to the Planning Commission for approval and at the least shall contain an accurate plot plan drawn to scale showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines, within which the proposed buildings and structures shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building(s) is/are designed to accommodate, the topography, the proposed drainage system, the zone or intended zone for the use proposed, and the names of streets adjoining said property.
- 5.36 *One Principal Building on Lot.* Every residential building, including hotels, motels, condominiums, single-family and multifamily dwellings, and duplexes hereafter erected or moved shall be located on a lot, and in no case shall there be more than one (1) principal residential building on a lot except as follows:

5.361

In any district where multifamily structures, motels, or hotels are permitted, two or more such residential structures may be permitted on a lot provided that no building shall be located closer to another building on the same lot than a distance equal to half the sum of the heights of both buildings. In Flood Hazard areas identified on the National Flood Insurance Rate Maps, the height of a building shall be measured from the floor level of the first habitable story for purposes of this section. In addition, the front or rear of any building may be no closer to the front or rear of any other building than forty (40) feet. The side of any building shall be no closer to the side, front or rear of any other building than thirty (30) feet.

5.37 *Residential Uses in Business District.* Residential uses established in any Business District must comply with the minimum requirements for the high density.

#### 5.4. - Nonconformance.

It is the intent of this Ordinance to administer the elimination of nonconforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights. Any structure or use of land existing at the time of the enactment of this Ordinance and amendments thereto, not in conformity with its use regulations and provisions, may be continued subject to the following provisions:

5.41 *Unsafe Structures.* Any structure or portion thereof declared unsafe by any authority may be restored to a safe condition.

5.42 *Alterations.* Any change in a nonconforming building site or yard area is subject to the following:

5.421 Any improvements, alterations, repairs or installation of new fixtures or equipment for an existing nonconforming structure may be accomplished by the owner of the structure upon obtaining the proper permits from the Building Official, provided that such improvements will bring into conformity, if possible, or that it will at least not increase, unnecessarily, the nonconformity and will in all other respects, meet the requirements of the district in which it is located.

5.422 Should a nonconforming building be moved, all nonconforming yard areas shall be eliminated.

5.423 A nonconforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A nonconforming use of a building or buildings shall not be extended to include either additional buildings or land after the effective date of this Ordinance.

5.424 If a nonconforming business, house, manufactured home, mobile home, building, structure or other improvement is moved from its site or is damaged or destroyed by fire, storm or other disaster to an extent of 50% or greater than its estimated fair market value, then either event shall be deemed a cause for elimination of the nonconformity and the nonconformity shall be forever removed and eliminated. If a nonconforming business,

house, manufactured home, mobile home, building, structure or other improvement is damaged or destroyed by fire, storm or other disaster to an extent of less than 50% of its estimated fair market value, such may be improved, repaired, rebuilt or replaced on the same lot for the same or a similar use as often as may be necessary; provided that such improvement, repairing, rebuilding or replacement will bring it into conformity, if possible, or that it will at least not increase, unnecessarily, the nonconformity, and such improvements, repairs, rebuilds or replacements are completed within four (4) months of the event causing such damage or destruction.

- 5.43 *Change in Use.* A nonconforming use which is changed to a conforming use shall not be permitted to revert to the original or a less restrictive use.
- 5.44 *Discontinuance.* A nonconforming use which became such upon the adoption of this Ordinance and which has been discontinued for a continuous period of four months shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance.
- 5.45 *Adjacent Land.* The presence of a nonconforming use in a zoning district shall not be allowable as legal grounds for the granting of variances or zoning amendments for other surrounding properties by the Board of Adjustment or the City Council.
- 5.46 *Access to Public Streets.* Access to public streets shall be maintained in accordance with the following requirements:
- 5.461 Each principal use shall be placed on a lot or parcel which provides frontage on a public or private street having a right-of-way of not less than fifty (50) feet.
- 5.462 Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least 15 feet in width.
- 5.47 *Lots of Record.* Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the following exceptions may be allowed:
- 5.471 Where a lot, tract or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for a single-family dwelling in any Residential District, provided the lot to be so used has a minimum area of 4,000 square feet and a minimum lot width at the building line of 40 feet, provided it is located on a public sewer. In Business/Commercial and Industrial Districts, such lot may be used for any use permitted in the district in which it is located.
- 5.472

When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the use district in which they are located, such lots may be platted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district.

5.473 Buildings or structures located on substandard lots of record may be improved provided that such improvement is not detrimental to the area, does not increase the nonconformance, or is required by other laws or ordinances of the City.

5.48 *Yard Requirements.* Yard requirements shall be modified subject to the following conditions:

5.481 On double frontage lots, the required front yard shall be provided on each street.

5.482 Whenever a rear property line of a lot abuts upon an alley, one-half (½) of the alley width shall be considered as a portion of the required rear yard.

5.483 An unroofed porch shall not project into a required front yard for a distance exceeding five (5) feet.

5.484 On substandard lots of record, the front, side and rear setbacks may be less than required in this Ordinance; provided that no front setback shall be less than the average setback of the existing developed lots on the same block and on the same side of the street; no side setback shall be reduced to less than five (5) feet; and no rear setback shall be reduced to less than fifteen (15) feet. The amount of reduction up to these limits shall be determined by the Zoning Administrator in consideration of the lot size and the size of the proposed structure.

5.485 The setback requirements for side yards and/or front yards on corner lots shall not apply to any lot where the average setback on residentially developed lots located, wholly or in part, 100 feet on each side of such lot and within the same block and zoning district and fronting on the same streets as such lot, is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lots.

(Ord. No. 11-2011, § 5.424, 2011)

#### 5.5. - Screening, lighting and space.

5.51 In any Commercial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use.

5.52

In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height.

5.53 Outdoor lighting of all types shall be directed so as to reflect away from all adjacent properties and shall be so situated as not to reflect directly into any public right-of-way.

5.54 All screening, lighting, space, etc., shall be in good condition and appearance. The Building Inspector may cause to be removed, replaced, repaired or corrected at the owner's expense, any screening, lighting and space improperly maintained.

#### 5.6. - Surface drainage.

Owners, particularly developers of the larger paved areas such as those in connection with apartment complexes, shopping centers, etc., shall be responsible for increased runoff resulting from these developments which cause flood damage to neighboring property. The Building Inspector shall, in consultation with the City Engineer, determine that reasonable provisions for properly handling surface drainage in accordance with Article X and the City's "Specification for Roadway and Drainage Facilities" have been made in the applicant's design, and report these findings for the Planning Commission's consideration in acting on building applications. If such provisions are not made in the applicant's design, the Planning Commission shall make such remedies as may be available to the applicant as a condition of the building permit issuance.

#### 5.7. - Erosion and sediment control.

Where more than one acre of land will be disturbed for construction purposes, developers shall be required to submit a sediment and erosion control plan for approval (see Article X).

#### 5.8. - Utilities.

5.81 *Septic Tanks.* In areas where there are no sewerage facilities, septic tanks may be used in accordance with current regulations of the Alabama Department of Public Health and the Escambia County Health Department.

5.82 *Water and Sewer Connections.* Developments or individual lots in all districts must connect to public or private community water and sewer systems where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service; otherwise, lots must meet the minimum size requirements of the Health Department for on-site wells and/or septic systems. Existing private wells and septic systems that are functioning properly and meet the Health Department requirements may continue to be used.

5.821

It is the intent of this Ordinance to eliminate by attrition all existing private wells and septic systems in areas where public or private community water and sewer systems are available. Therefore, at such time as any private well or septic system is destroyed or must be replaced, the owner must connect to the public or private community water and sewer system where such systems border any development or lot line or are reasonably available and the appropriate utility has the capacity to provide the service.

5.83 *Other.* All new utilities shall be placed underground.

5.9. - Existing covenants.

Where subdivisions, lots, or parcels exist which have already been recorded or which will be recorded with deed restrictions or other such restrictive covenants, such restrictions and covenants shall apply if they are more stringent than the requirements of this Ordinance; otherwise, the requirements of this Ordinance shall apply.

5.010. - Grandfather clause.

Any use of buildings or land existing on the date of adoption of this Ordinance and not in compliance with its provisions shall be allowed to continue as a nonconforming use. Any land development projects in the City under legal authority of this Ordinance that are not located in a zoning district designated for their intended use may be permitted to continue provided that:

5.0101 The project was under construction prior to the date of adoption of this Ordinance. For the purposes of this Section, under construction shall mean that a legal building or construction permit has been issued and that actual construction has been or will be started within the initial period of validity of the permit, exclusive of any time extensions, or that a permit application has been submitted to the Alabama Department of Environmental Management.

5.0102 The project complies in other aspects with the requirements of this Ordinance for districts in which similar uses are permitted.

5.0103 The developer complies with other conditions that may be required by the Planning Commission due to the unique circumstances of the land.

(Ord. No. 02-2006, 4-24-2006; Ord. No. 05-2007, § 2, 10-22-2007)



## ARTICLE VI. - DISTRICT REGULATIONS

### 6.1. - General.

The following limitations and requirements are placed on uses in each district established under the authority of this ordinance, in accordance with the intent of the ordinance.

Any use requiring a building permit is subject to review and permit approval by the building official.

Any special exception is subject to approval of the Board of Adjustment. Each application to the Board of Adjustment for approval of a use permitted by special exception shall be accompanied by a site plan prepared by the applicant or his agent.

In any case where a requested use is not specifically listed in the Table of Permitted Uses section of this ordinance, its status shall be determined by the Board of Adjustment by reference to the most clearly analogous use or uses that are specifically referred to in the Table of Permitted Uses. When the status of a use has been so determined by the Board of Adjustment, such determination shall thereafter have general application to all uses of the same type.

In general, any higher use may be permitted as a Special Exception in a lower use district, but no lower use shall be permitted in a higher use district, except as otherwise noted in the Table of Permitted Uses or where such use exists at the time of enactment of this ordinance, in which case it is subject to the requirements of the Nonconformance section of this ordinance.

Every use in any district, except in the M-1 and M-2 districts, shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements in this ordinance by Special Exception or as may be otherwise allowed by this ordinance.

It shall be the responsibility of the owner/developer to show (prove) compliance with the requirements of this ordinance.

(Ord. No. 02-2014, § 2, 4-21-2014)

### 6.2. - Permitted uses and conditions.

Permitted uses are listed in the permitted use table of this article.

6.21 *Uses by right.* Uses in the tables identified by (R) are permitted by right, subject to the conditions specified in the tables or elsewhere in this ordinance.

6.22

*Special exceptions—conditional uses.* Uses in the tables identified by (S) require approval by the board of adjustment pursuant to Code of Alabama § 11-52-80. These uses are generally compatible within a designated district but because of their nature must be reviewed and approved before a building permit is issued.

6.23 *Variances.* Variances from the terms of the Zoning Ordinance may be granted by the board of adjustment in conformity with Code of Alabama § 11-52-80.

6.24 *Compliance with district requirements.* Except for approved variances and special exceptions, any use must comply with the requirements of the district in which it is located unless approved under the Planned Unit Development (PUD) provisions of the Subdivision Ordinance.

6.241 Other provisions of this ordinance notwithstanding, any tracts of farmland under cultivation or pastureland and timberland presently being used for such purposes may continue to be used for such purposes regardless of the zoning district in which they may be located.

6.242 Undeveloped land or land used for agricultural purposes or timber growing shall automatically be rezoned for single-family use.

6.25 *Uses prohibited.* Where any use or analogous use has blank spaces under any zones listed in the headings of the tables of permitted uses, such use is specifically prohibited in such zones.

6.26 *Group homes.* Any provision of this ordinance notwithstanding, the provisions of Code of Alabama § 11-52-75.1 shall apply to any application for a group home. Any provision of this ordinance notwithstanding, any federal law or regulation regulating or permitting a group home shall apply to any application for a group home.

## 6.2 Table of Permitted Uses and Conditions

	Use Districts							
	R-1	R-2	R-3	B-1	B-2	M-1	M-2	DBD
Air conditioning sales and service.				R	R	R	R	R
Airport and/or crop dusting-spraying service; need not be enclosed within a structure.				S	S	S	S	
Ambulance/EMS service.				R	R	R	R	S

Amusement and recreation services: Must be so arranged that noise, vibration, lights, and all other possible disturbing aspects are enclosed, screened or otherwise controlled so that operation of the establishment will not unduly interfere with the use and enjoyment of properties in the surrounding area:								
Amusement park				R	R	R	R	
Amusement arcade, kiddie land				R	R	S	S	R
Archery range				S	S	S	S	S
Baseball batting cage				S	R	S	S	S
Billiard or pool hall					S	S	S	
Bowling alley				S	R	S	S	S
Fairgrounds, circus or carnival				R	R	R	R	
Golf course	S			R	R	R	R	
Golf course, miniature				R	R	R	R	
Golf driving range				R	R	R	R	
Pistol or rifle range								
Racquetball or tennis courts, indoor				R	R	R	R	
Skating rink, indoor				R	R	R	R	
Tennis courts, outdoor: need not be enclosed within a structure.				R	R	R	R	

Animal clinic/kennels for small animals when used as an accessory use to an approved principal use.				R	R	R	R	
Animal raising, small animal breeding; need not be enclosed within a structure.				S	S	S	S	
Antique store, not including repairing and refinishing.				R	R	R	R	R
Apparel and accessory store.				R	R	R	R	R
Appliance store.				R	R	R		R
Apothecary, limited to the sale of pharmaceuticals and medical supplies.				R	R	R	R	R
Art gallery or museum.	S	S	S	R	R	R	R	R
Art supplies.				R	R	R		R
Asphalt products manufacture.						R	R	
Auditoriums (large), stadiums, coliseums, and other such places of public assembly with occupancy load of 50 or more persons.				S	R	S	S	R
Auditoriums (small), for public assembly with occupancy load of less than 50 persons.				R	R	S	S	R

Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer.				R	R	R	R	
Automobile manufacture.					S	R	R	
Automobile parts sales, except used parts.				R	R	R	R	R
Automobile storage, including parking lots; need not be enclosed within a structure.				S	S	S	S	S
Automobile, travel trailer, camper, farm equipment and implements and mobile home sales (new and used); need not be enclosed within a structure, but any mechanical or body repair must be done entirely within a structure which shall not have any opening facing the residential district other than a stationary window within 100 feet of residential district.					R	R	R	
Automobile and truck laundry, including steam laundry.				R	R	R	R	
Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any opening facing the residential district other than a stationary window within 100 feet of residential district, and which shall not store or otherwise maintain any parts or waste materials outside such structures.				R	R	R	R	S

Automobile and truck sales and service; but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within a structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities.				R	R	R	R	R
Automobile and truck service station including minor repair, subject to the requirements listed under special provisions, where the primary function is retail sale of gasoline, oil, grease, tires, batteries and accessories and where services are limited to installation of the items sold, washing, polishing, tire changing, greasing and minor repairs, but not including commercial wrecking, dismantling or auto salvage yard, major mechanical overhauling or body work; fuel pumps need not be enclosed within a structure.				R	R	R	R	R
Bait store or sales (live bait); need not be enclosed within a structure.				R	R			
Bakery, retail.				R	R	R	R	R
Bakery, wholesale.				R	R	R	R	
Bank, including drive up window.				R	R	R	R	R
Barber shop or beauty parlor.				R	R	R	R	R
Barber and beauty supplies and equipment sales.				R	R	R	R	R

Bed and breakfast. Owners must reside in dwelling. Dwelling may not have more than six guest bedrooms.			S	S	S			
Bicycle, lawnmower sales, service and repair.				R	R			R
Bird and wildlife sanctuary.	S	S	S	S	S	S	S	
Blueprinting and photostatting shop.				R	R	R	R	R
Boat construction and storage, major; need not be enclosed within a structure but adequately screened from view.					R	R	R	
Boat sales, service and repair including accessories.				S	R	R	R	R
Boat storage, service and repair, minor. May include dry storage in an enclosed structure.					R	R	R	
Book store.				R	R	R	R	R
Bottling works.						R	R	
Building materials supply, provided that major storage areas are screened from view and that any machine operations are conducted entirely within an enclosed structure with no opening other than a stationary window within 100 feet of a residential district.				R	R	R	R	
Bus and railroad terminal facilities.				R	R	S	S	S
Business machines sales and service.				R	R	R	R	R

Business school or college.				R	R	R	R	
Butane and other liquefied petroleum gas products sales; need not be enclosed within a structure.				R	R	R	R	
Cabinet or carpenter shop.				R	R	R	R	
Cafe, grill, lunch counter and restaurant but not including night club, bar, tavern and drive in restaurant.				R	R	R	R	R
Camera and photographic supply store.				R	R	R	R	R
Candy, nut and confectionery store.				R	R	R		R
Canvas products manufacture.				R	R	R	R	
Carting, express, crating, hauling, storage.						R	R	
Catering shop or service.					R	R	R	R
Cemetery, subject to requirements of the special provisions.	S	S	S	S	S	S	S	
Chemical manufacture or processing (heavy, industrial).						S	S	
Churches and related accessory buildings.	S	S	S	R	R	R	R	R
City hall, police station, fire stations, courthouse, federal office building and similar public building.	S	S	S	S	S	S	S	S
Clay and clay products manufacture; need not be enclosed within a structure.					S	R	R	



Clinic, dental, medical or psychiatric for humans.				R	R	R	R	R
Clothing manufacture.						R	R	
Club or lodge, fraternal, civic, charitable or similar organization, public or private, but not including any such club, lodge or organization, the chief activity of which is a service or product customarily carried on as a business but not including an organization which sells alcoholic beverages for off-premises consumption or which allows alcohol to be brought in for on-premises consumption and charges individual admission fees for events held on the premises.	S	S	S	R	R	R	R	S
Club, county club, golf, swimming or tennis club or the like, privately owned and operated community club or association, athletic field, park. Recreation area, and similar uses of a recreational nature, provided that no building for such purposes is located within 100 feet of any property line.		S	S		S	R	R	
Cold storage plant.						R	R	
College or university provided that they are located on a lot fronting on an arterial street or road and that no building is located within 100 feet of any property line.	S	S	S	S	S	S	S	
College sorority or fraternity house.			S	S	S	S		

Commercial agriculture and farming operations, including horticulture, plant nurseries, and orchards.	S	S	S	R	R	R	R	
Concrete and concrete products manufacture; need not be enclosed within a structure.					S	R	R	
Contractor's storage yard for vehicles, equipment, materials and supplies, need not be enclosed within a structure, but must be enclosed within a solid fence to screen view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct the view is provided.				R	R	R	R	
Convenience store (neighborhood).				R	R	R	R	
Dairy equipment sales.				R	R	R	R	
Dairy product sales.				R	R	R	R	
Delicatessen.				R	R	R	R	R
Department store.				R	R	R	R	R
Drive in restaurant.				R	R	R	R	R
Drug store.				R	R	R	R	R
Dry cleaning shop, including self service.				R	R	R	R	R
Dry goods or fabric store.				R	R	R	R	R
Dwelling, single family.	R	R	R	R	R	R	R	R
Dwelling, two family.		R	R	R	S	S		

Dwelling, multi family.			R	R	R	R		
Electric power generating plant.					S	S	S	
Electric power substation; need not be enclosed within a structure, but must be secured by a chain link or similar fence, or raised above ground so as to be inaccessible to unauthorized persons; requires visual screen.					S	S	S	
Electric repair shop.				R	R	R	R	R
Electric supply store.				R	R	R	R	R
Elevator maintenance office.					R	R	R	
Employee credit union office.				R	R	R	R	R
Exterminator service office.				R	R	R	R	R
Farm and garden equipment and supply store.				R	R	R	R	R
Farmer's market.				R	R	R	R	S
Fix it shop, including small appliance repair.				R	R	R	R	R
Fixture sales.				R	R	R	R	R
Floor covering sales and service.				R	R	R	R	R
Floral shop.				R	R	R	R	R
Food locker plant including rental of lockers for the storage of food; cutting and packaging of meats and game, but not the slaughtering of animals or fowl.					R	R	R	

Food products processing plant.					S	R	R	
Food products, wholesale storage and sales.						R	R	
Freight depot, railway or truck.						R	R	
Frozen food manufacture and packaging.						R	R	
Fruit and produce, retail.				R	R	R	R	R
Funeral home, mortuary or undertaking establishment.				R	R			
Furniture and home furnishing store, including office furniture and equipment.				R	R	R	R	R
Furniture repair, including upholstering and refinishing.				R	R	R	R	R
Gas regulator stations.	S	S	S	S	S	S	S	S
Gift shop.				R	R	R	R	R
Glass products manufacture.					S	R	R	
Grocery store, retail.				R	R	R	R	R
Gymnasium, commercial.				R	R	R	R	
Hardware store, retail.				R	R	R	R	R
Hardware store, wholesale, storage and sales.				R	R	R	R	R
Hatchery, poultry or fish.				S	S	S	S	
Heating and plumbing equipment supplies and service.				R	R	R	R	R

Hiking and nature trail.	R	R	R	R	R	R	R	
Hobby shop and supply store.			S	R	R	R	R	R
Home occupation.	S	S	S	S	S	S	S	S
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans.	S	S	S	S	S	S	S	S
Hotel, motel or tourist home.				R	R	R	R	
Ice plant.				R	R	R	R	
Industrial park.					S	R	R	
Institution for children or the aged, day care.					R	R	R	
Interior decorating shop.				R	R	R	R	R
Kindergarten, play school or day care center, public or private, provided that all activities are carried on in an enclosed building or fenced yard and that all applicable federal, state, and local requirements are met.	S	S	S	R	R	R	R	
Laboratory, scientific.				R	R	R	R	R
Laboratory, medical or dental.				R	R	R	R	R
Landscape garden sales; need not be enclosed within a structure.				R	R	R	R	R
Laundry, self service.				R	R	R	R	R
Laundry and dry cleaning pick up station.				R	R	R	R	R

Laundry and dry cleaning plant.					R	R	R	
Laundry, linen supply or diaper service.						R	R	
Leather goods or luggage.				R	R	R	R	R
Library.	S	S	S	R	R	R	R	S
Liquor, wine or beer sales not to be consumed on premises and meeting local and state requirements.				R	R	R	R	
Livestock (cattle, horses, sheep and goats).								
Livestock (swine).								
Loan office.				R	R	R	R	R
Locksmith.				R	R	R	R	R
Lodging, boarding or rooming houses.			S	S	S			
Lumber yard and building materials; need not be enclosed within a structure.				R	R	R	R	
Machine shop.				R	R	R	R	R
Machinery, tools, and construction equipment, sales and service.					R	R	R	
Mail order house.				R	R	R	R	R
Manufactured home.			R					
Manufactured home park.			S					

Manufacturing, repair assembly or processing establishments of a light industrial nature, including but not limited to, the following:								
Confectionary, food, frozen desert and milk products processing and manufacturing.						R	R	
Clothing and garment manufacturing.						R	R	
Laboratories for testing materials, chemical analysis, photographic processing.						R	R	
Musical instruments and parts manufacturing.						R	R	
Scientific, optical and electronic equipment assembly and manufacturing.						R	R	
Souvenirs and novelties manufacturing.						R	R	
Toy, sporting goods and athletic goods manufacturing.						R	R	
Manufacturing, extractive, including all natural mineral deposits except oil and gas.								
Manufacturing, general; the processing, fabrication, repair and servicing of any commodity or product.					S	R	R	
Marine stores and supplies.					R	S	S	R
Metal products fabrication.					R	R	R	
Millwork and similar wood products manufacture.						R	R	
Mobile home.								

Mobile home subdivision.								
Modular home.			R					
Modular structure.				S	S	S	S	
Motorcycle sales, service and repair.				R	R	R	R	R
Music store.				R	R			R
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping site and similar uses.	S	S	S	S	S	S	S	
News stand.				R	R	R	R	R
Nightclub. (Special Note: In considering a special exception-conditional use approval, the board of adjustment shall consider the nature of the proposed establishment, its proximity to other establishments with a similar use, the existing density of such use within the district, and the demonstrated ability of the applicant to operate such establishment in a manner consistent with public safety and the overall public good.)					S	S	S	S
Novelty and souvenir manufacture.						R	R	
Office.				R	R	R	R	R
Office equipment and supplies, retail.				R	R	R	R	R
Office equipment and supplies, manufacture.					R	R	R	
Oil and gas exploration and production activities.							S	



Oil well equipment, supplies and machinery; need not be enclosed within a structure.						R	R	
Optician.				R	R	R	R	R
Paint and wallpaper store.				R	R	R	R	R
Painting and decorating contractor.				R	R	R	R	R
Paper supplies, wholesale.					R	R	R	R
Park or playground including recreation centers; need not be enclosed within a structure.	S	S	S	S	S	S	S	S
Passenger depot, railway or bus.					R	R	R	R
Pawn shop.				R	R	R	R	R
Pet shop.					R	R	R	R
Petroleum and petroleum products, manufacture, processing or storage.						S	S	
Photography studio and/or processing.				R	R	R	R	R
Picture framing and/or mirror silvering.				R	R	R	R	R
Pipe storage; need not be enclosed within a structure.						R	R	
Planned unit development, fixed dwelling.	S	S	S					
Planned unit development, mobile home.	S	S	S					
Plastic fabrication.						R	R	
Plastic manufacture.					S	R	R	

Plumbing shop.				R	R	R	R	
Police substation, including highway patrol.	S	S	S	S	S	S	S	S
Post office.	S	S	S	S	S	S	S	R
Poultry live raising.								
Printing, blueprinting, bookbinding, photostatting, lithographing and publishing establishment.				R	R	R	R	R
Public utility production and maintenance building with proper screening.					S	S	S	
Public utility substation with proper screening.	S	S	S	S	S	S	S	S
Radio and television station transmitting tower.				S	S	R	R	
Radio and television sales, service and repair store.				R	R	R	R	R
Reducing exercise, karate, gymnastic or other body fitness type salon.				R	R	R	R	R
Restaurant defined as an establishment which does not primarily serve or sell alcoholic beverages and which has a full-service food menu and kitchen as well as seated food service.				R	R	R	R	R
Restaurant supplies and sales.				R	R	R	R	R
Riding academy; need not be enclosed within a structure.								
Roofing and sheet metal shop.				R	R	R	R	

Rooming house and boarding house.		S	S	R	R	R	R	
Rug and/or drapery cleaning service.				R	R	R	R	R
Sand and gravel storage yard; need not be enclosed within a structure but must be screened.						S	S	
Sawmill, planning, or timber storage.					S	S	S	
Schools public and/or private, elementary and/or secondary meeting the requirements of the education laws of the state.	S	S	S	S	S	S	S	
Seafood store, retail.				R	R	R	R	R
Sewage disposal plant; need not be enclosed within a structure.		S	S	S	S	S	S	
Shoe repair shop.				R	R	R	R	R
Shoe store, retail.				R	R	R	R	R
Sign shop.					R	R	R	R
Silviculture and related forestry operations; need not be enclosed within a structure.						R	R	
Small engine repair shop.				R	R	R	R	R
Sporting goods store.				R	R	R	R	R
Stockyard; need not be enclosed within a structure.								
Stone monument sales, retail.					R	R	R	S

Stone cutting and processing merchandise sold at retail.						R	R	
Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting.				R	R	R	R	R
Studio for dance or music.				R	R	R	R	R
Surgical or dental supplies manufacture.						R	R	
Surgical or dental supplies retail.				R	R	R	R	R
Tailor shop.				R	R	R	R	R
Tattoo and body piercing establishment.						R	R	
Taxi terminal/storage and repair of vehicles.						R	R	
Taxidermy shop.				R	R	R	R	R
Teen club or youth center.				S	S	S	S	
Telephone exchange.		S	S	S	S	S	S	
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening.						R	R	
Temporary uses, including the sale of Christmas trees, seasonal fruit and vegetables from roadside stands, and similar uses. Farmers market only.					R	R	R	S
Theater, indoor.				S	R	S	S	R

Theater, outdoor/drive-in; need not be enclosed within a structure.					R	S	S	
Tobacco store.				R	R	R	R	R
Tower telecommunication facilities, requires approval from city council and planning commission in accordance with article XII of this chapter.	S	S	S	S	S	S	S	S
Toy store.				R	R	R	R	R
Trade school or college.				S	S	S	S	S
Transit vehicle storage and servicing; need not be enclosed within a structure.						R	R	
Utility company storage facility; need not be enclosed within a structure but must provide adequate screening.					S	R	R	
Variety store.				R	R	R	R	R
Veterinary service.				R	R	R	R	
Warehouse and storage facilities, major.						R	R	
Warehouse and storage facilities, minor; mini type (400 square feet per unit or less) do it yourself storage facilities; facilities must not open to the street; screening and landscaping is required.				R	S			S
Water storage; need not be enclosed within a structure.		S	S	S	S	S	S	S

Water or sewer pumping station.	S	S	S	S	S	S	S	S
Welding shop.				R	R	R	R	
Well drilling company.					R	R	R	
Wine Bar					S			S
YMCA, YWCA, and similar institutions.	S	S	S	S	S	S	S	S

(Ord. No. 06-2008, § 1, 7-28-2008; Ord. No. 12-2009, § 2, 12-14-2009; Ord. No. 09-2011, § 6.2, 7-11-2011; Ord. No. 04-2013, § 1, 5-13-2013; Ord. No. 14-2013, § 1, 12-23-2013; Ord. No. 02-2014, § 2, 4-21-2014; Ord. No. 05-2015, § 1, 9-14-2015; Ord. No. 03-2016, § 1, 6-27-2016; Ord. No. 2018-04, §§ 4—6, 10-22-2018; Ord. No. 01-2020, §§ 1, 2, 2-10-2020; Ord. No. 02-2020, §§ 1, 2, 2-10-2020)

### 6.3. - [Site plan approval requirements.]

A site plan shall be required for all projects except single-family structures. Site plan reviews shall be accomplished by the Planning Commission to ensure compliance with the provisions of the Zoning Ordinance and Subdivision Regulations in conformity with its purpose as stated in Article I.

- 6.31 Upon approval of the site plan, either as submitted or with changes and/or special conditions required by the Planning Commission, the Building Inspector may issue a building permit for a portion or all of the proposed development; provided that the application is in compliance with all applicable City, County, State and Federal requirements.
- 6.32 The City Engineer may recommend waiving certain requirements contained in Section 6.33 of this Ordinance if, in his opinion, the requirements are not essential to a proper decision on the project; or he may supplement the list with other requirements deemed necessary to clarify the nature of the proposed development.
- 6.33 An application for site plan approval shall include the following information unless some or all of these requirements are waived by the Planning Commission.
  - a. The location and size of the site including its legal description and a current certified survey.
  - b. A vicinity map showing the site relation to surrounding property.
  - c. The recorded ownership interests, including liens, encumbrances, title certification in the form of a current title policy, title opinion or title report and the nature of the developer's interest, if the developer is not the owner.

- d. The relationship of the site to existing development in the area including streets, utilities, residential and commercial development, and physical features of the land including significant ecological features. This information may be combined with requirements for the vicinity map specified in Section 6.33b above.
- e. The density or intensity of land use to be allocated to all parts of the site together with tabulations by acreage and percentages thereof itemized by use and density.
- f. The location, size and character of any common open space, commonly owned facilities and form of organization which will own and maintain any common open space and such facilities.
- g. The use and maximum height, bulk and location of all buildings and other structures to be located on the site.
- h. The substance of covenants, grants of easements or other restrictions which will be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities or other purposes.
- i. The provisions for disposition of open space, including tree protection, landscaping provisions and buffering requirements.
- j. In the case of plans which call for development over a period of years, a schedule showing the proposed times within which applications for building permits are intended to be filed.
- k. Any additional data, plans or specifications which the applicant or the City believes is pertinent and which will assist in clarifying the application including, but not limited to plans for: screening, lighting and space, surface drainage, erosion and sediment control, water and sewer connections., landscaping, signs, and coastal protection.
- l. A traffic impact analysis and corrective measures to address detrimental conditions brought about by the development.
- m. Architectural renderings, elevations and representative floor plans in preliminary form.
- n. The location and size of all signs to be located on the site. In the event that a sign is preexisting and fails to conform to the requirements as set forth in this ordinance, site plan approval will be granted only under the condition that all signs will comply with the regulations as set forth in the sign ordinance.
- o. Landscape plans which include the location of any trees in a tree protection zone.

#### 6.3.1. - Regulations and standards—Permitted uses.

Permitted Uses							
	R-1	R-2	R-3	B-1	B-2	M-1	M-2

Minimum lot area	12,000 sf	10,500 sf	7,500* sf	10,000 sf	10,000 sf	1 acre	1 acre
Minimum lot width at building line	100'	75'	50'	0	0	150'	150'
Maximum lot coverage	25%	30%	35%	35%	50%	75%	75%
Maximum building height	35'	35'	35'	45'	0	50'	50'
Front yard (see note A)	35'	35'	25'	20'	20'	25'	50'
Side yard (see notes A and B)	10'	10'	10'	0	0	0	30'
Rear yard (see note A)	30'	30'	30'	20'	20'	20'	35'
Maximum density (DU/acre)	1'	2'	6'	N/A	N/A	N/A	N/A
Buffer zone	N/A	N/A	N/A				N/A
Signs	See sign section						
Off-street parking	2'	2'	2'	See parking section			

\*Plus 2,000 sq. ft. per additional unit

Note A: Except along County, State and Federal Highways, the setback shall be 50 — parking to side or rear — move building to front property line — require sidewalks (ensure tree protection).

Note B: Side yards on corner lots shall not be less than 30 feet on any side adjacent to street R.O.W. (As required in Section 7.05 of the City's Subdivision Regulations).

(Ord. No. 01-2009, § 1, 5-26-2009)



#### 6.4. - Conditional uses.

The nature of these uses is such that when properly regulated, they are appropriate in several zones. In order to bring about the proper integration of these uses into the community's land use pattern, a special set of standards is provided for each use. Conditional uses, as stipulated within the zone district regulations, are permitted only after review and recommendation by the planning commission, and approval of the city council.

(Ord. No. 04-2013, § 2, 5-13-2013)