

## 8.1 - General.

The City of Brewton, Alabama, is hereby divided into zoning districts as listed and described below and as shown on the official zoning district map, for the purpose of:

- 8.11 Providing a residential environment free of incompatible uses, safe from natural and manmade hazards;
- 8.12 Promoting, where possible, planned residential, commercial, and industrial areas in appropriate locations, with appropriate standards and minimum service cost to local government;
- 8.13 Providing a compact, convenient urban pattern for urban areas;
- 8.14 Providing a level of flexibility of control sufficient to promote innovation and creativity in community development and to encourage maximum living comfort and convenience at lowest cost; and
- 8.15 Promoting the comprehensive plan for the city.

## 8.2 - Residential districts.

- 8.21 *R-A Rural Residential and Agricultural District.* This division for large, open, unsubdivided land that is vacant or is being used for agricultural, forest or other rural purposes. District regulations are designed to protect the essentially open character of the district until it is timely to reclassify the land to appropriate residential, commercial or industrial categories.
- 8.22 *R-1 Low Density Single-Family Residential District.* This district is provided to afford opportunity for choice of low density suburban residential environment consisting of single-family homes on large parcels of land.
- 8.23 *R-2 Medium Density Single-Family Residential District.* This district is intended as a medium density single-family urban residential district, with lots of moderate size.
- 8.24 *R-3 Limited Density Multifamily Residential District.* This district is intended to provide for a higher density of single-family structures on smaller lots than those allowed in the R-1 and R-2 districts and duplexes.
- 8.25 *R-4 High Density Multifamily Residential District.* The intent of this district is to provide opportunity for high density residential development in specified areas. Within this district it is also considered suitable to include other uses of a type deemed to be compatible with a good high density living environment by providing for needed community services. Public or community water and sewer facilities are required.
- 8.26 *R-5 Mobile Home Residential District.* The intent of this district is to provide space at appropriate locations consistent with community objectives for the establishment of mobile home parks and subdivisions which provide for the establishment of permanent mobile homes and for the amenities conducive to an adequate living environment.

## 9.1 - General residential district requirements.

The following provisions apply, unless provided for elsewhere in this ordinance, to all residential districts:

- 9.11 *Uses Permitted.* Customary accessory structures; satellite receiving dishes, gardens, playgrounds, parks; public buildings including schools and libraries; agriculture or farming, including horticulture. Home occupations as defined in Article X, section 10.54.
- 9.12 *Uses Permitted by Special Exception.* Certain public and semi-public uses are essential and desirable for the general convenience and welfare but may not fit compatibly within residential neighborhoods. The following public and semi-public uses may be permitted within residential districts by special exception when it is established through site plan review that the location, design, and proposed activities will not adversely affect the public health, safety, morals, and general welfare of the surrounding neighborhood. Uses permitted by special exception in residential districts are:

- 9.121 Plant nurseries, market gardening, field crops and orchards.
- 9.122 Church schools and private or parochial elementary and high schools having a curriculum approximately the same as ordinarily given in public elementary and high schools and meeting all standards of the state board of education for instruction and site size.
- 9.123 Churches, synagogues, and other places of worship including parish houses, rectories, and other facilities normally incidental to places of worship but excluding funeral homes.
- 9.124 Cultural activities not carried on as a gainful business, including art galleries, libraries, and museums.
- 9.125 Convalescent and nursing homes for the aged.
- 9.126 Recreation facilities, country clubs, community centers, and clubs drawing substantial numbers of users from the immediate neighborhood in which they are located, excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions.
- 9.13 *Uses Prohibited.* Any use not permitted or permitted by special exception except as otherwise determined under section 9.27; commercial and industrial uses such as garages, repair or storage yards, warehouses, buildings used as correctional institutions, and industrial type operations of any kind.
- 9.14 *Requirements for Lot Area, Lot Width, Coverage and Other Factors.*
- 9.141 Public and semi-public buildings.
- (a) Minimum lot area and lot width. None specified only that the lot be large enough to provide the yards specified herein.
  - (b) Yard regulations.
    - (1) Front yard. Each lot shall provide a front yard with a minimum depth of forty (40) feet.
    - (2) Side yard. Each lot shall have a side yard of a minimum of thirty-five (35) feet on each side.
    - (3) Rear yard. Each lot shall have a rear yard with a minimum depth of thirty-five (35) feet.
  - (c) Maximum building height. No structure shall exceed a height of thirty-five (35) feet, except a church may have a maximum height of fifty (50) feet, provided that one (1) foot shall be added to all minimum yard requirements for each additional foot of height in excess of thirty-five (35) feet. (Does not apply to church sanctuary.)
  - (d) Maximum building coverage. The maximum land covered by a building shall be fifty (50) percent of the total lot area; a minimum of twenty (20) percent of the lot area shall be maintained as a landscaped open area.
- 9.142 Accessory buildings.
- (a) Minimum lot area and lot width. None specified, only that the lot be large enough to accommodate the principal building plus the accessory building or buildings and meet the yard and other requirements specified in this ordinance.
  - (b) Yard regulations.
    - (1) Front yard. Detached accessory buildings shall not be located or extended into the front yard.
    - (2) Side yard. Detached accessory buildings shall maintain a side yard of not less than five (5) feet.
    - (3) Rear yard. Detached accessory buildings shall maintain a rear yard of not less than five (5) feet.
  - (c) Maximum building height. Detached accessory buildings shall not exceed one (1) story or fifteen (15) feet in height.
  - (d) Maximum building coverage. None specified, only that the principal building together with accessory buildings must comply with the requirements applicable to maximum building coverage specified in this ordinance.
  - (e)

Accessory buildings must be compatible with the main structure and with the general character of the neighborhood.

(f) A detached accessory building shall not be located on a lot by itself.

9.143 Off-street parking regulations. See Requirements, Article X, Section 10.9.

## 9.2 - Table of permitted uses.

Permitted uses are listed in the Permitted Use Table of this Article.

- 9.21 *Uses by Right.* Uses in the Table identified by (R) are permitted by right, subject to the conditions specified in the Table or elsewhere in this Ordinance.
- 9.22 *Uses Requiring Planning Approval.* Uses in the Tables identified by (P) are permitted upon approval by the Planning Commission of the location and site plan as being appropriate with regard to transportation, access, water supply, waste disposal, fire and police protection and other public facilities; as not causing undue traffic congestion or creating traffic hazards; and as being in harmony with the orderly and appropriate development of the district in which the use is located.
- 9.23 *Special Exceptions.* Uses in the Tables identified by (S) are subject to the same approval of location and site plan as uses requiring planning approval, and, in addition, these uses are subject to approval by the Board of Zoning Adjustment in accordance with the provisions of Article XII, sections 12.3 and 12.4 of this Ordinance.
- 9.24 *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 by the City Council. Conditional Uses identified by (C) in the Tables are subject to the terms of this section and Ordinance.
- 9.25 *Compliance with District Requirements.* Any use permitted in any district whether by right, with planning approval, or as a special exception, must comply with the requirements of the district in which it is located unless a Variance from such requirements is specifically requested and approved by the Board of Zoning Adjustment; or unless approved under the Planned Unit Development (PUD) with modification as required by the Planning Commission.
- 9.251 The review of oil and gas exploration and production activities under the requirements of this Ordinance shall not duplicate the regulatory activities of the Alabama Department of Environmental Management, the Army Corps of Engineers, or the Alabama State Oil and Gas Board. The Planning Commission shall permit oil and gas exploration and production in any zoning district following administrative review and assurance that all required federal and state permits have been obtained and that adequate environmental safeguards and guarantees required under the permits have been addressed.
- 9.252 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.
- 9.26 *Any use requiring planning approval is subject to review and approval of the Planning Commission.* Each application to the Planning Commission for approval must be accompanied by a site plan prepared by the applicant or his agent. The Planning Commission shall review the application at its next meeting and take into consideration all existing regulations and ordinances of the city as well as recommendations from the zoning administrator, the city engineer, the building inspector, the health officer and any other such local officials. The Planning Commission may approve the use request as is; it may approve it with conditions; or it may deny it.
- 9.27 *Any use permitted by Special Exception is subject to review and 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 which shall first be reviewed by the Planning Commission. The Board of Adjustment shall make all information on each

case a part of the record of any public hearing held on an application for a Special Exception, prior to making a decision on the application.

9.28 In any case where a requested use is not specifically referred to in the Table of Permitted Uses, section 9.3 of this ordinance, its status shall be determined by the planning commission 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 planning commission, such determination shall thereafter have general application to all uses of the same type and shall be added to the Table of Permitted Uses.

9.29 In general, any higher use may be permitted with planning commission approval 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 section 7.3 nonconformance of this ordinance.

Every use in any district shall be conducted entirely within a completely enclosed structure unless expressly exempted from enclosure requirements in this ordinance.

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

9.291 A site plan shall be required for all residential projects involving the construction of three (3) or more dwelling units; all commercial structures having floor space in excess of two thousand five hundred (2,500) square feet; all industrial structures having floor space in excess of ten thousand (10,000) square feet; and other uses as required by the planning commission.

9.292 *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 silence.

(Ord. No. 99-1026, § 1, 10-26-99; Ord. No. 13-0909-1, § 1, 9-9-2013)

#### Sec. 9.3 - Permitted uses and conditions.

TABLE 9.3. PERMITTED USES AND CONDITIONS

	Use Districts										
	R-1	R-2	R-3	R-4	R-5	B-1	B-2	B-3	B-H	M-1	M-2
Accessory buildings and uses, including home occupations and home swimming pools, when located on the same lot or parcel as the principal structure or use and customarily incidental thereto, provided the requirements in all pertinent sections of this ordinance are met	R	R	R	R	R	R	R	R	R		
Agriculture and related farming operations, including horticulture, plant nurseries, market gardening, field crops, orchards and home gardens	S	S	S	S	S		R	R			
Air conditioning sales and service							R	R			
Ambulance/EMS service					P	P	R	R			

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 areas:												
Amusement park	S	S	S	S	S	S	S					
Amusement arcade, kiddie land								S				
Archery range							S	S				
Baseball batting range	S	S	S	S	S		S	S				
Billiard or pool hall								R				
Bowling alley							S	R				
Fairgrounds, circus or carnival							S	S				
Golf course	S	S	S	S	S		S	S				
Golf course, miniature							S	R	R			
Golf driving range	S	S	S	S	S	S	S	S				
Racquetball or tennis courts, indoor	S	S	S	S	S	P	P	P	P			
Skating rink							S	R	P			
Tennis courts, outdoor; need not be enclosed within a structure	S	S	S	S	S	S	P	P				
Theatre, indoor							S	R	R			
Theatre, outdoor/drive-in; need not be enclosed within a structure								P				
Animal clinic/kennels for small animals need not be enclosed within a structure							R	R				
Antique store, not including repairing and refinishing	S	S	S				R	R	R			

Antique store, including repairing, restoration and refinishing							S	S	S		
Apparel and accessory store							R	R	R		
Appliance store							R	R	R		
Armory	S	S	S	S	S		R	R			
Art gallery or museum	S	S	S	S	S	S	P	R	R		
Art supplies							R	R	R		
Auditoriums, stadiums, coliseums, dance halls, and other such places of public assembly	S	S	S	S	S		R	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			
Automobile parts sales, except used parts							R	R			
Automobile wrecking and salvage; need not be enclosed within a structure but must be enclosed within a solid fence sufficiently high to obstruct noise and view; chain link or similar open fence may be permitted if a screen planting adequate to obstruct view is provided								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, other than a stationary window, within 100 feet of a residential district								R			
Automobile and truck laundry, including steam cleaning										R	

Automobile and truck repair garage, mechanical and body; must be conducted in a structure which shall not have any opening, other than a stationary window, within 100 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such structures								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 facilities								R			
Automobile sales, new and used							R	R	P		
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							P	P			
Bakery, retail							R	R	R		
Bakery, wholesale								R	R		
Bank, including drive-in bank						R	R	R	R		
Barber shop or beauty parlor				S			R	R	R		
Barber and beauty supplies and equipment sales								R	R		
Bicycle, lawnmower sales, service and repair							S	R	R		
Blueprinting and photo stating shop							R	R	R		
Boat construction, storage, service and repair, wet and dry, major; need not be enclosed within a structure								P			

Boat docking only of pleasure boats as an accessory use to a permitted principal use; maximum of 3 slips per unit; boat service is prohibited	R	R	R	R	R		R	R			
Boat dry storage; pleasure boats having lengths not greater than 31 feet								R			
Boat sales, accessories and service								R			
Boat storage, service and repair, minor; a marina for docking pleasure boats and providing services thereto and the occupants thereof, including minor servicing and minor repair to boats while in the water, sale of fuel and supplies, and provision of lodging, food, beverages, and entertainment as accessory uses; may include dry storage in an enclosed structure								R			
Book store				S			R	R	R		
Bottling works								S			
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			
Bus and railroad terminal facilities								R	R		
Business machines sales and service							P	R	R		
Business school or college	S	S	S	S	S	S	P	P	R		
Butane or other liquefied petroleum gas products storage and sales; need not be enclosed within a structure								S			
Cabinet or carpenter shop								S			
Cafes, grills, lunch counter and restaurant, night club, bar, tavern, but not drive-in restaurant							R	R	R		
Camera and photographic supply store							R	R	R		
Candy, nut and confectionery store				S			R	R	R		



Canvas products manufacture								S			
Carting, express, crating hauling, storage								S			
Catering shop or service				S			R	R	R		
Cemetery, subject to requirements of the special provisions	S	S	S	S	S	S	S	S			
Churches and related accessory buildings	S	S	S	S	S	R	R	R	R		
City hall, police station, fire station, court house, federal office building and similar public building	R	R	R	R	R	R	R	R			
Clay and clay products manufacture; need not be enclosed within a structure								S			
Clinic, dental, medical or psychiatric for humans	S	S	S	S	S	R	R	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	S	S	S	S	S	S	R	R	R		
Club, country 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	S	S	P	P	P			
Cold storage plant								S			
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	P	P	P			
College sorority or fraternity house	S	S	S	S	S	P	P	P			
Concrete and concrete products manufacture; need not be enclosed within a structure								S			

Contractor's storage and 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			
Convenience store							R	R			
Correctional, detention or penal institution								S			
Dairy equipment sales								S			
Dairy products sales							R	R	R		
Delicatessen				S			R	R	R		
Department store								R	R		
Dog pound; need not be enclosed within a structure								S			
Drive-in restaurant				S			P	R			
Drug store				S			P	R	R		
Dry cleaning shop, including self-service				S			R	R	R		
Dry goods or fabric store							P	R	R		
Dwelling, one-family	R	R	R	R	P	P	P	P	P		
Dwelling, two-family				R	P	P	P	P	P		
Dwelling, multifamily				R	P	P	P	P	P		
Electric power generating plant								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 screening in most districts	P	P	P	P	P	P	P	P	R		
Electric repair shop							P	R	R		

Electric supply store							P	R	R		
Elevator maintenance service (Office Only)								S	R		
Employee credit union office				S	S	S	P	R	R		
Exterminator service office							P	R	R		
Farm and garden equipment and supply store								R			
Farmers' markets							P	P	R		
Fix-it shop, including small appliance repair							R	R	R		
Fixture sales							R	R	R		
Floor covering sales and service							R	R	R		
Floral shop				S		P	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			
Food products processing plant								S			
Food products, wholesale storage and sales								S			
Freight depot, railway or truck								S			
Fruit and produce, retail							R	R	R		
Fruit store							R	R	R		
Funeral home, mortuary or undertaking establishment								R			
Furniture and home furnishing store, including office furniture and refinishing equipment								R	R		
Furniture repair, including upholstering and refinishing								S	R		
Gas regulator station	P	P	P	P	P	P	P	P	P		
Gift shop				S			R	R	R		
Grocery store, retail							R	R			

Gun sales and repair shop							R	R	R		
Gymnasium, commercial							P	R			
Hardware store, retail							R	R	R		
Hatchery, poultry or fish								S			
Heating and plumbing equipment, supplies and service								R			
Hobby shop and supply store				S			R	R	R		
Home occupation	R	R	R	R	R	R	R	R			
Hospital, clinic, convalescent or nursing home, extended care facility or sanitarium for humans	S	S	S	S	S	P	P	P			
Hotel, motel, or tourist home				S	S		P	P	P		
Ice cream parlor				S			R	R	R		
Ice plant								S			
Industrial park								S			
Institution for children or the aged, day care	S	S	S	S	S		R	R			
Interior decorating shop				S			R	R	R		
Junk yard including storage, baling or sale of rags, paper, iron or junk; need not be enclosed within a structure but must be enclosed within a fence of sufficient height to obstruct view and noises; chain link or similar fence may be permitted if screen planting is provided										S	S
Kindergarten, playschool 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	S	S		P	P			
Laboratory, scientific							S	S	S	S	S
Laboratory, medical or dental						S	R	R	R	R	R

Landscape garden sales; need not be enclosed within a structure								S	S	S	S
Laundry, self-service				S			R	R	R		
Laundry and dry cleaning pickup station				S			R	R	R		
Laundry and dry cleaning plant								S		S	R
Laundry, linen supply or diaper service							R	R		R	R
Leather goods or luggage store				S			R	R	R		
Library	R	R	R	R	R		R	R	R		
Liquor, wine and beer sales not to be consumed on-premises and meeting local and state requirements							R	R	R		
Loan office						S	R	R			
Locksmith						P	R	R	R		
Lodging, boarding or rooming houses				S	S		S	S			
Lumber yard and building materials; need not be enclosed within a structure								R		R	R
Machine shop								R		R	R
Machinery, tools and construction equipment, sales and service								S		R	R
Mail order house							S	R			
Manufacturing, repair, assembly or processing establishments of a light industrial nature, including but not limited to, the following:											
Automobile assembly											R
Clothing and garment manufacturing										R	R
Food products processing and packaging										R	R
Glass products manufacturing										R	R

Laboratories for testing materials, chemical analysis and photographic processing									R	R	R
Metal products manufacturing										R	R
Millwork and similar wood products manufacturing										R	R
Musical instrument and parts manufacturing										R	R
Paper products manufacturing										R	R
Plastics manufacturing										R	R
Scientific, optical and electronic equipment assembly and manufacturing										R	R
Shipbuilding and repair yard; need not be enclosed within a structure										R	R
Souvenirs and novelties manufacturing										R	R
Surgical and dental supplies manufacturing										R	
Toys, sporting goods and athletic goods manufacturing										R	R
Marina, minor: see boat storage, service and repair, minor								R			
Marina, major: see boat construction, storage, service and repair, wet and dry, major; may also include boat sales, accessories and service								P			
Marine stores and supplies								R			
Mini-warehouse								S		R	R
Mobile home					R						
Mobile home park					R						
Mobile home subdivision					R						
Modular structure								P		P	P
Motorcycle sales, service and repair								R			

Music store				S			R	R	R		
Natural preservation areas including bird and wildlife sanctuaries, nature and hiking trails, outdoor camping sites and similar uses	S	S	S	S	S				R		
Newsstand				S			R	R	R		
Nightclub, bar, tavern and cocktail lounge when separate from restaurant							S	S	S		
Nursery											
Office buildings, general							R	R	R		
Office buildings, professional						R	R	R	R		
Office equipment and supplies, retail								R	R	R	
Oil and gas exploration and production activities	S	S	S	S	S	S	S	S		S	S
Optician				S		P	R	R	R		
Outdoor general advertising structure; need not be enclosed within a structure								S			
Paint and wallpaper store							S	R	R		
Painting and decorating contractor								S	R		
Paper supplies, wholesale								S			
Park or playground including recreation centers; need to be enclosed within a structure	P	P	P	P	P	P	P	P	P		
Passenger depot, railway or bus								S	R		
Pawn shop							S	R			
Pet shop							S	R	R		
Photographic studio and/or processing	P	P	P	P	P	S	S	R	R		
Picture framing and/or mirror silvering							S	R	R		

Planned unit development, fixed dwelling	P	P	P	P		P	P	P			
Planned unit development, mobile home					P						
Plastic fabrication								S			
Plumbing shop								S			
Police substation, including highway patrol	P	P	P	P	P	P	P	P	P		
Post office	P	P	P	P	P	P	P	P	P		
Printing, blueprinting, bookbinding, photostating, lithographing and publishing establishment							P	R	R		
Public utility production and maintenance buildings with proper screening							P	P			
Public utility substation with proper screening	P	P	P	P	P	P	P	P			
Radio and television antenna (amateur)	R	R	R	R	R	R	R	R			
Radio and television station and transmitting tower (commercial)							P	P			
Radio and television sales, service and repair store							R	R	R		
Reception hall, banquet hall							P	P	R		
Recreational vehicle parks					P			P		P	
Reducing, exercise, karate, gymnastic or other body fitness-type salon				S			R	R	R		
Restaurant				S			R	R	R		
Restaurant supplies and sales								S	R		
Riding academy; need not be enclosed within a structure								S			
Roofing and sheet metal shop								S			
Rooming house and boarding house				S	S		S	S	R		
Rug and/or drapery cleaning service								P			



Sand and gravel storage yard; need not be enclosed within a structure								S		S	R
Sawmill or planing mill								S		S	R
Schools, public and/or private, elementary and/or secondary meeting the requirements of the education laws of the State of Alabama	S	S	S	S	S	S	S	S			
Seafood store, retail							S	R	R		
Sewage disposal plant; need not be enclosed within a structure								S			
Shoe repair shop				S			R	R	R		
Shoe store, retail				S			R	R	R		
Sign shop								P	R		
Specialty food shops							R	R	R		
Sporting goods store				S			R	R	R		
Stone monument sales, retail; may include cutting and processing merchandise sold at retail on the site; need not be enclosed within a structure								S		R	R
Studio for professional work or teaching of fine arts, such as photography, drama, speech, painting				S		R	R	R	R		
Studio for dance or music				S		R	R	R	R		
Surgical or dental supplies retail								R	R		
Tailor shop				S		R	R	R	R		
Tattoo store, artist or parlor						P	P	P	P		
Taxi dispatching station							R	R	R		
Taxi terminal; storage and repair of vehicles								R			
Taxidermy shop							R	R			

Teen club or youth center	S	S	S	S	S	P	R	R			
Telephone exchange	P	P	P	P	P	P	P	P	P		
Telephone equipment storage including shops and garage; need not be enclosed within a structure but must provide adequate screening							S	R			
Temporary uses, including revival tents, sale of Christmas trees, carnivals, sale of seasonal fruit and vegetables from roadside stands, and similar uses, for a period not to exceed 2 months in any calendar year	S	S	S	S	S	S	R	R			
Tires, batteries and other automotive accessories sales establishments								R			
Tobacco store				S			R	R	R		
Toy store				S			R	R	R		
Trade school or college	S	S	S	S	S	S	S	S			
Transit vehicle storage and servicing; need not be enclosed within a structure								P		R	R
Utility company storage facility; need not be enclosed within a structure but must provide adequate screening								P		R	R
Variety store							P	R	R		
Veterinary service								R	P		
Warehouse and storage facilities, major										P	R
Warehouse and storage facilities, minor; minitype do-it-yourself storage facilities										P	P
Water storage; need not be enclosed within a structure	P	P	P	P	P	P	P	P		P	P
Water or sewage pumping station	P	P	P	P	P	P	P	P		P	P
Welding shop								S		R	R
Well drilling company								S		S	R

Wireless telecommunication facilities								C		C	C
YMCA, YWCA and similar institutions	S	S	S	S	S	S	S	S			
Zoo; need not be enclosed within a structure								S		S	S

(Ord. No. 99-1026, § 2, 10-26-1999; Ord. No. 04-0914-1, § 2, 9-14-2004; Ord. No. 06-0110, 1-10-2006; Ord. No. 06-0214, 2-14-2006; Ord. No. 08-0513, 5-13-2008; Ord. No. 13-0909-1, § 2, 9-9-2013; Ord. No. 14-1208-1, 12-8-2014; Ord. No. 16-0328, 3-28-2016; Ord. No. 19-0211, 2-11-2019; Ord. No. 21-0830-4, 9-13-2021)

#### 9.4 - Requirements for lot area, lot width, coverage, density and other factors.

9.41 The following shall apply in each residential district as listed:

	Minimum Lot Area (Sq. Ft.)	Minimum Lot Width At Building Line	Maximum Lot Coverage (%)O <sup>a</sup>	Maximum Density <sup>b</sup>
R-A rural, residential and agricultural	c	c	c	c
R-1 low density residential				
Single-family	15,000	75	25	2.0
R-2 medium density residential				
Single-family	12,000	75	25	3.5
R-3 limited density multifamily residential				
Single-family	8,000	60	30	4.0
Two-family	10,000	60	35	8.0
R-4 high density multifamily residential				
Single-family	7,500	60	30	<u>5.5</u>
Two-family	10,000	60	35	8.0
Multiple-family	7,500 <sup>d</sup>	60	35	15.0

<sup>a</sup> Does not apply to lots of record smaller than required in the district in which they are located.

<sup>b</sup> Dwelling units per gross acre to be developed.

<sup>c</sup> None specified.

<sup>d</sup> For one (1) unit plus two thousand five hundred (2,500) square feet for each additional unit.

#### 9.5 - Minimum setbacks.

The following front, rear and side yard setbacks shall apply in districts as listed, except in planned unit developments:

	Front Yard		Rear Yard	Side Yard	Corner Lot	
					Side	Yard
R-A	a	a	a	a	a	a
R-1	35	35	40	10	30	20
R-2	35	35	30	10	30	20
R-3	30	30	30	10	30	20
R-4	30	30	30	b	30	20
R-5	See Article X, <u>section 10.2</u>					
B-H	30	20	c	c	20	10
B-1	30	20	c	c	20	10
B-2	30	20	c	c	30	25
B-3	30	20	c	c	20	10
M-1	50	30	d	d	50	30
M-2	50	30	d	d	50	30

a—None specified.

b—Ten (10) feet plus two (2) additional feet for each floor above two (2) stories, but not exceeding twenty (20) feet; and when dwelling unit faces side yard, the dwelling unit must not be less than twenty-five (25) feet from the side lot line.

c—None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than twenty (20) feet.

d—None, except it will be five (5) feet if abutting an alley, and when abutting a residential district it shall be not less than fifty (50) feet.

#### 9.6 - Maximum building height.

Except as provided for elsewhere in this ordinance, no structure shall exceed three (3) stories or thirty-six (36) feet in any R-1, R-2, R-3, or R-5 residential district or more than four (4) stories or fifty (50) feet in any R-4, business or industrial district. Structures greater than these height limits may be permitted as special exceptions subject to the approval of the board of adjustment.

#### 10.1 - Recreational vehicles.

The following regulations apply to all developments provided for the accommodation of transient recreational vehicles, including travel trailers, campers, small mobile homes used for vacation purposes, motor homes and similar transient residential vehicles.

10.11 Recreation vehicle parks are uses permitted in R-5, B-2 and M-1 districts subject to the approval of the planning commission and the requirements of the following provisions.

10.12 No recreational vehicle park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district.

10.13 The minimum lot area per park shall be two (2) acres.

10.14 Use of spaces in recreational vehicle parks shall be limited to travel trailers, mobile homes, motor homes, and campers with a maximum length, exclusive of hitch, of forty (40) feet.

10.15 Users of the spaces shall meet all other applicable laws. Spaces shall be rented by the day or week only, and an account of such space shall remain in the same trailer park for a period of not less than ninety (90) days.

10.16 Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a trailer park are permitted as accessory uses in any district in which trailer parks are allowed, provided:

10.161 Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.

10.162 Such establishments shall be used in compliance with local regulations determined by the park management.

10.163 Minimum sanitary facilities shall include one (1) toilet, one (1) shower, and one (1) lavatory basin per twenty-five (25) camp sites in the park.

10.17 No space shall be so located that any part intended for occupancy for sleeping purposes shall be within thirty (30) feet of the right-of-way line of any major, or collector street, or of any minor street.

10.18 In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the county health department.

#### 10.2 - Mobile home parks.

Mobile home parks as defined herein are uses permitted in an R-5 mobile home park district subject to the provisions of this ordinance.

10.21 *License.* It shall be unlawful for any person to maintain or operate a mobile home park within the limits of the City of Brewton, Alabama, unless such person shall first obtain a license therefor, except that the maintenance or operation of a mobile home park in existence on the effective date of this ordinance may be continued.

10.22 *License Fees and Temporary Permit Fees.*

10.221 The annual license fee schedule for mobile home parks shall be as adopted by the city council and reviewed periodically for amendment and updating.

10.222 The fee for transfer of a license shall be twenty-five dollars (\$25.00).

10.23 *Application for License.*

10.231 Application for initial mobile home park license shall be filed with the City of Brewton, Alabama. The application shall be in writing, signed by the applicant and shall include the following:

- (a) The name and address of the applicant;
- (b) The location and legal description of the mobile home park;
- (c) The complete plan of the park in conformity with the requirements of this ordinance;
- (d) Plans and specifications of all buildings, improvements and facilities constructed or to be constructed within the mobile home park;
- (e) Such further information as may be required by the planning commission to enable it to determine if the proposed park will comply with legal requirements. Four (4) copies of the application and all accompanying plans and specifications shall be filed with the city clerk.

10.232 Upon application in writing by a licensee for renewal of a license and upon payment of the annual license fee, the city shall issue a certificate renewing such license for another year, provided that the park is still in compliance with the requirements of this ordinance.

10.24 *Location.* Mobile home parks may be located in the R-5 mobile home park district as established in this ordinance.

Where any boundary of a park directly abuts property which is improved with a permanent residential building located within twenty-five (25) feet of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a 6-foot fence, wall, hedge or shrubbery screen shall be provided along such boundary.

10.25 *Mobile Home Park Plan.* The mobile home park shall conform to the following requirements:

10.251 The park shall be located on a well-drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.

10.252 Each park shall provide mobile home spaces, and each such space shall be clearly defined or delineated. Each space shall have an area of not less than four thousand (4,000) square feet and a width of not less than thirty (30) feet, and the average width of all spaces shall be not less than forty (40) feet; provided, however, that mobile home parks which, at the time of the adoption of this ordinance, existed lawfully with mobile home spaces that do not comply with any of the foregoing minimum area and width or minimum average width requirements, may continue to operate and shall be excused from such compliance.

10.253 Mobile homes shall be so located on each space that there shall be at least a twenty-foot clearance between mobile homes. Mobile homes parked end to end, the end to end clearance may not be less than twenty (20) feet and shall not be less than twenty (20) feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. No mobile home shall be located closer than twenty-five (25) feet to any property line of the park abutting upon a public street or highway, or such other distance as may be established by ordinance or regulation as a front yard or setback requirement.

10.254 All mobile home spaces shall abut upon a driveway of not less than twenty-four (24) feet in width, which shall have unobstructed access to a public street, alley or highway.

10.255 Walkways not less than two (2) feet wide shall be provided from the mobile home spaces to the service buildings.

- 10.256 Each mobile home space shall be provided with two (2) off-street parking spaces.
- 10.257 All driveways and walkways within the park shall be hard-surfaced and lighted at night with electric lamps of not less than two hundred fifty (250) watts each, spaced at intervals of not more than one hundred (100) feet.
- 10.258 An electrical outlet that meets National Electric Code supplying at least 120/140 volts, 100 amperes shall be provided for each mobile home space.
- 10.26 *Water Supply.* An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park, to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground.
- 10.27 *Sewage and Refuse Disposal.*
- 10.271 Each mobile home space shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and home harbored in such space having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with any applicable ordinance or into a private sewer and disposal plant or septic tank system of such construction and in such a manner as will comply with the county health department requirements and present no health hazard.
- 10.272 Garbage receptacles. Garbage and trash disposal shall be in compliance with applicable city ordinances.
- 10.28 *Fire Protection.* Every park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as to satisfy applicable reasonable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time. A six-inch water line with a fire plug shall be provided for each thirty (30) mobile homes (e.g. 31 [homes] require two (2) fire plugs).
- 10.29 *Animals and Pets.* Ownership and care of dogs, cats or other pet animals shall be in compliance with applicable city ordinances.
- 10.210 *Tie-downs and Anchors.* It shall be unlawful for any persons including, but without limitation, owners of mobile home parks and owners and/or occupants of mobile homes within the park, to place, maintain, or occupy any mobile home unless such mobile home is equipped with tie-downs and anchors meeting or exceeding standards of the state manufactured home code (24-532) in compliance with the state law.
- 10.211 *Common Recreation Facilities.* Not less than ten (10) percent of the total area of any mobile home park shall be devoted to common recreational areas and facilities, such as playgrounds and swimming pools. Ways for pedestrians and cyclists shall be away from streets, and play areas for small children or other recreational areas in block interiors.
- Common recreational areas shall not include streets or parking areas, shall be closed to automotive traffic except for maintenance and service vehicles, and shall be improved and maintained for the uses intended.
- 10.212 *Supervision.* The licensee or permittee, or a duly authorized attendant or caretaker, shall be in-charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of this ordinance to which the licensee or permittee is subject.
- 10.213 *Revocation of License.* The City of Brewton, Alabama, may revoke any license to maintain and operate when the licensee has been found guilty by a court of competent jurisdiction of violating any provision of this ordinance. After the correction of such condition and the payment of the penalties imposed by law and assurance given to the city council that such condition will not be repeated, then the city council may issue a new license.

#### 10.3 - Maintenance of mobile homes.

All mobile homes, whether in mobile home parks or on individual lots, whether on wheels or on piers or other type foundation, shall be skirted and maintained to the degree that is compatible with the existing residences and lots in the neighborhood.