

Sec. 803. - C-1 Commercial District.

803.01 Use regulations. Within a C-1 Commercial District, a building or land shall be used only for the following purposes:

- a. Automotive service stations as defined in Article 19 of this Ordinance, and in accordance with Article 10, Section 1001.03.
- b. Bakery.
- c. Banks and financial institutions.
- d. Barber[shops] and beauty shops.
- e. Bowling alleys.
- f. Bus stations.
- g. Contractors (e.g., heating and air conditioning, electrical, and plumbing) whose operation does not include a materials yard.
- h. Dog kennels (without outside runs).
 - i. Drugstores.
 - j. (Reserved.)
 - k. Helistops (permitted on appeal only).
 - l. Hotels.
- m. Ice cream soda and soft drink dispensing establishments.
- n. Indoor recreation.
- o. Laundry and dry cleaning pickup stations and plants using nonflammable solvents only.
- p. Lodge halls.
- q. Miniwarehouses.
- r. Motels, provided that such use consists of not more than one unit for each 1,000 square feet of lot or building plot area; and that no unit occupies more than 50 percent of an area calculated by dividing the total site area by the number of units.
- s. Private clubs.
- t. Private music, dancing, business and vocational schools or colleges.
- u. Post offices and other public buildings.
- v. Professional and office buildings.
- w. Radio stations, but not including towers.
- x. Restaurants.
- y. Retail stores and service establishments (except those listed in lower class districts).
- z. Shopping centers.
- aa. Theaters housed in a permanent indoor structure.

- bb. Veterinary establishments (without outside runs).
- cc. Signs as permitted in, and only in accordance with the regulations of, Article 13 of this Ordinance, except as may otherwise be restricted in Section 803.04 below.
- dd. Single-family dwelling as an accessory use after the primary use has been established.

803.02 Use restrictions. In conjunction with the uses permitted in this Section, the following uses or operational elements will not be permitted within a C-1 Commercial District:

- a. Outside storage, as defined in Article 19 of this Ordinance, except finished and/or packaged items placed on display to be sold at retail through an above-listed properly permitted C-1 Commercial [District] use.
- b. Outside animal runs, such as may be associated with dog kennels, veterinary establishments and/or any other similar business or use.

803.03 Area and dimensional regulations. In all of the uses permitted herein, the area and dimensional regulations set forth below shall be observed:

- a. Minimum yard requirements:

Front: 35 feet

Rear: 35 feet*

Side: 35 feet**

*Rear yard may be reduced to 15 feet if the adjoining property is zoned Commercial, Industrial, Institutional-2, or Utilities.

**If the adjoining property is zoned Commercial, Industrial, Utilities or Institutional-2, interior side yard setbacks may be reduced to zero feet; however, if the structure is not built to the side lot line, a minimum setback of at least ten feet shall be maintained.

- b. All setback requirements of Article 10, Sections 1001 through 1003 of this Ordinance, shall be applicable as appropriate to any given development, use, or element thereof.

803.04 Permitted conditional uses. Within the C-1 Commercial District, the following uses may be permitted provided the specified conditions are met:

- a. Fireworks may be permitted to be sold only under the following conditions:
 - 1. Fireworks are to be sold in a permitted structure only.
 - 2. Permit will be good for 30 days only.
 - 3. The front setback may be zero feet; however, the side and rear setbacks shall meet the minimum yard requirements for the district in which the fireworks stand is located.
 - 4. A minimum of five off-street parking spaces shall be required at each site, said spaces to be in addition to the minimum number of spaces required for the primary use of the property on which the fireworks sales structure is to be located (as determined by Article 12, Section

1202 of this Ordinance). Furthermore, no fireworks sales operation shall be permitted that prevents, obstructs, or in any other way hinders the full and proper use of the minimum number of parking spaces required for said primary use of the property.

5. A permit fee shall be required in accordance with Article 18, Section 1803 of this Ordinance.

b. Restaurants offering the sale of alcoholic beverages for on-premises consumption (as an accessory component of the sale, serving and consumption of food) shall be permitted only under the following conditions, and in the following manner:

1. Food sales shall constitute no less than 70 percent of the gross sales receipts for food and beverages.
2. Business hours shall end no later than 12:00 midnight on Sunday through Thursday, and no later than 1:00 a.m. on Saturdays and Sundays.
3. Outdoor lighting shall be directional only, with no illumination of any adjoining properties; and shall be further limited to the minimum lighting necessary to ensure the safety of patrons, and to provide for the safe and proper circulation of motor vehicles within the parking lot area.
4. No sign advertising alcoholic beverages shall be visible from the exterior of the establishment.
5. Such restaurants shall be permitted in a C-1 Commercial District only and shall only be permitted in restaurants located (1) on Center Point Parkway; (2) in a shopping center with direct access to Center Point Parkway; or (3) within 100 feet of Center Point Parkway.
6. No such restaurant shall be permitted for the sale of alcoholic beverages for on-premises consumption except by approval of the City Council, following review and recommendation by the Center Point Planning and Zoning Commission. In addition to all other factors deemed necessary to promote the public health, safety, convenience, order, prosperity and general welfare of the City, the Planning and Zoning Commission and the Center Point City Council may use the proximity of the proposed establishment to churches, schools and residential areas as a factor in determining whether to approve or disapprove a conditional use under this Section.
7. Any property on which such a restaurant is so permitted shall have its zoning classification annotated to read "C-1(A)" on the Official Zoning Map of Center Point, Alabama.
8. No restaurant offering the sale of alcoholic beverages for on-premises consumption shall be permitted in connection with the following uses.
 - a. Dancehalls or dancing establishments allowing either customer or employee dancing;
 - b. Nightclubs;
 - c. Taverns;
 - d. Drive-through windows used for the sale or distribution of alcoholic beverages;
 - e. (Reserved.)

- c. Establishments offering the sale of alcoholic beverages for off-premises consumption shall be permitted under the following conditions, and in the following manner:
1. Such establishment shall be permitted in a C-1 Commercial District only.
 2. No such establishment shall be permitted for the sale of alcoholic beverages for off-premises consumption except by approval of the City Council, following a review and recommendation by the Center Point Planning and Zoning Commission. In addition to all other factors deemed necessary to promote the public health, safety, convenience, order, prosperity and general welfare of the City, the Planning and Zoning Commission and the Center Point City Council may use the proximity of the proposed establishment to churches, schools and residential areas as a factor in determining whether to approve or disapprove a conditional use under this Section.
 3. Any property on which such an establishment is so permitted shall have its zoning classification annotated to read "C-1(B)" on the Official Zoning Map of Center Point, Alabama. No establishment offering the sale of alcoholic beverages for off-premises consumption shall be permitted in connection with the following uses:
 - a. Dancehalls or dancing establishments allowing either customer or employee dancing;
 - b. Nightclubs;
 - c. Taverns;
 - d. Drive-through windows used for sale or distribution of alcoholic beverages;
 - e. (Reserved.)
 - d. A Specialized or State-Licensed Personal Service (Use) shall be permitted only upon meeting the following requirements:
 1. All Specialized or State-Licensed Personal Service (Use) establishments are required to obtain a permit issued by the City Council of the City of Center Point upon the recommendation of the Planning and Zoning Commission, which permit shall be required prior to the issuance of a business license for said use and prior to occupancy of the premises regarding said use.
 2. No Specialized or State-Licensed Personal Service (Use) shall be located in a commercial district within 1,000 feet of the same Specialized or State-Licensed Personal Service (Use). Said distance shall be measured from the nearest finished exterior to the nearest finished exterior wall.
 3. All Specialized or State-Licensed Personal Service Establishments (Use) shall be reviewed and inspected by the Fire Marshal who shall file a report for consideration with the application to the Planning and Zoning Commission pertaining to the (use) compliance with all applicable fire codes, before any approval will be given by the Planning and Zoning Commission, the City Council of the City of Center Point or the Zoning Board of Adjustment when applying for a variance concerning the said use.

4. No person shall conduct Deferred Presentment Services within any office, suite, room or place which any other business (except for Deferred Presentment Services) is located. Said Deferred Services shall not be conducted in solicitation, association, or conjunction with any other busir within the licensed and permitted premises of the Deferred Presentment Services.

(Ord. No. 01-2005-03, § 803.04, 7-14-2005)

803.05 Prohibited uses.

Notwithstanding anything to the contrary contained in this Ordinance, any business that is in violation of the laws of the State of Alabama, Jefferson County, or the City of Center Point or which constitutes an illegal business as defined herein shall be prohibited in the City of Center Point. For the purpose of this Ordinance, the City Council for the City of Center Point shall determine if any proposed use shall constitute an illegal business as defined herein.

(Ord. No. 01-2005-03, § 803.05, 7-14-2005)