

**CITY OF ASHLAND
ZONING ORDINANCE**

2022-05-02-01

This document was prepared under the direction of the

ASHLAND CITY PLANNING COMMISSION

by the

EAST ALABAMA REGIONAL PLANNING AND DEVELOPMENT COMMISSION

for additional information:

**City of Ashland
City Hall
83183 Hwy. 9
Ashland, Alabama 36251**

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For Information Address:

East Alabama Regional Planning
and Development Commission
1130 Quintard Avenue, Suite 300
Post Office Box 2186
Anniston, Alabama 36202

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Abstract:

The intent of these zoning ordinance regulations is to promote and sustain proper development of communities therein protecting the health, safety, and general welfare of the people of the City of Ashland, Alabama.

ACKNOWLEDGEMENTS

City of Ashland

Honorable Mayor Larry J. Fetner

City Council

Billy Joe Smith
Bobbie J. Steed
Kim M. Cain
Annette Gaither
Tommy Cantrell

Planning Commission

Mayor Larry J. Fetner
Lester Robinson
Ken Nesmith
Beth Wheeler
Kim Cain
Dennis Robertson
Lydia Steed
Chelsey Wynn
Benny Davis

East Alabama Regional Planning and Development Commission

Ryan Kallem, Principal Planner
Robert Monroe, Cartography Director
Edwin Harbin, Senior Cartographer
Michael Brewer, Senior Cartographer

CONTENTS

I	PREAMBLE	1
	1. Authority.....	1
	2. Short Title.....	1
	3. Interpretation	1
	4. Jurisdiction of Ordinance.....	2
II	DEFINITIONS	3
	1. General Interpretive Guidelines.....	3
	2. Specific Definitions.....	3
III	GENERAL REQUIREMENTS	19
	1. Uses.....	19
	2. Structures.....	19
	3. Height and Density.....	19
	4. Accessory Buildings	20
	5. Lots	20
	6. Yards, Buffers, and Open Space.....	20
	7. Building Setback Lines	22
	8. Frontage on Corner Lots and Double Frontage Lots	22
	9. Access to Streets	22
	10. Fences and Walls.....	22
	11. Traffic Visibility at Intersections.....	23
	12. Stormwater Management.....	23
IV	SPECIAL USE PROVISIONS	25
	1. Nonconforming Uses and Structures	25
	2. Group Homes	28
	3. Manufactured Homes	28
	4. Home Occupations and Cottage Industries.....	30
	5. Off-Street Parking Requirements	32
	6. Accessory Residential Units	37
	7. Temporary Buildings and Structures	38
	8. Common Open Space Requirements	39
	9. Mobile Food Vendors	39
	10. Open Air Markets	41
	11. Airports	42
	12. Junkyards	43
V	ZONING DISTRICT REQUIREMENTS	45
	1. Establishment of Zoning Districts	45
	2. Zoning District Boundaries.....	45
	3. Interpretation of Zoning District Boundaries	45
	4. Interpretation of Uses.....	45
	5. AG: Agricultural District.....	47

6.	R-1: Single Family Residential District.....	51
7.	R-2: Multi-Family Residential District	53
8.	R-MH: Manufactured Home District	55
9.	B-1: General Business District.....	62
10.	B-2: City Square Commercial District.....	66
11.	IND: General Industrial District	68
VI	ADMINISTRATIVE AND ENFORCEMENT GUIDELINES	71
1.	General Administration.....	71
2.	Zoning Approval & Building/Use Permits	71
3.	Conditional Use Approval Process	73
4.	Temporary Land Uses	75
5.	Penalties for Violation	77
VII	BOARD OF ADJUSTMENT	79
1.	Creation	79
2.	Composition and Appointment.....	79
3.	Procedures of the Board of Adjustment	79
4.	Appeals to the Board of Adjustment.....	79
5.	Powers and Duties of the Board of Adjustment.....	80
6.	Appeals from Actions by the Board of Adjustment.....	81
VIII	AMENDMENTS	82
1.	Procedures	82
2.	Authorized Petitioners.....	82
3.	Petition for Amendment.....	82
4.	Planning Commission Action.....	83
5.	City Council Action.....	83
6.	Time Limit	84
7.	Initial Zoning of Annexed Property	84
8.	Speculative Rezonings	85
IX	LEGAL PROVISIONS.....	86
1.	Interpretation With Other Ordinances	86
2.	Repeal of Conflicting Ordinances.....	86
3.	Severability	86
4.	Violations and Penalties	86
5.	Restrictive Covenants and Bylaws	86
6.	Effective Date	87
	APPENDICES.....	i
	APPENDIX A: FORMS AND CERTIFICATES	ii

1.	Zoning Permit Application.....	ii
2.	Rezoning Application.....	viii
3.	Petition for Variance.....	xi
4.	Zoning Violation Complaint Form.....	xiv
5.	Notice of Zoning Violation	xv
6.	Notice of Citation	xvi
APPENDIX B: RESOLUTION AND ORDINANCE		xix
1.	Planning Commission Resolution.....	xx
2.	City Council Ordinance.....	xxii

ARTICLE I PREAMBLE

SECTION 1 - AUTHORITY

This ordinance is established pursuant to the authority conferred unto the City of Ashland by Title 11, Chapter 52, Article 4, Sections 70 to 84 inclusive, Code of Alabama 1975, as amended, and for the general purposes of:

- promoting the health, safety, morals, public peace, order, or general welfare of the City of Ashland, Alabama;
- lessening congestion in the streets;
- securing safety from fire, panic, and other dangers;
- providing adequate light and air;
- preventing the overcrowding of land;
- avoiding undue concentration of population;
- facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- conserving the value of land and buildings; and
- encouraging the most appropriate use of land and buildings throughout the City; all in accordance with a comprehensive plan, the City Council of the City of Ashland, Alabama, does hereby ordain and enact into law this Zoning Ordinance (“Ordinance”).

SECTION 2 - SHORT TITLE

This Ordinance shall be known and may be cited as the “Ashland Zoning Ordinance.”

SECTION 3 - INTERPRETATION

In the interpretation and application of this Ordinance, its provisions shall be considered minimum requirements adopted for promotion of the health, safety, morals, convenience, order, prosperity, and general welfare of the community. The standards and requirements of this Ordinance should be applied and enforced to balance public and private interests in the development of land in a manner that promotes mutual understanding and respect, and with prompt and just consideration given to the various interests involved in land investment, ownership, and development.

SECTION 4 - JURISDICTION OF ORDINANCE

The requirements and standards contained in this Ordinance shall apply to all areas within the corporate boundaries of the City of Ashland.

ARTICLE II DEFINITIONS

SECTION 1 - GENERAL INTERPRETIVE GUIDELINES

- 1.1 Except as otherwise provided herein, all words shall have their plain and commonly understood meaning(s). The present tense includes the future tense. The singular number includes the plural, and the plural includes the singular. Words of the masculine gender include the feminine, and words of the feminine gender include the masculine. The word “person” includes a firm, corporation, association, organization, trust, or partnership. The word “shall” is mandatory. The word “may” is permissive. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended, arranged, or designed to be” used or occupied, as the case may be.
- 1.2 The Code Enforcement Officer shall interpret the meaning of this Ordinance in the course of the administration and enforcement hereof; provided, however, that any unresolved questions regarding the interpretation of this Ordinance, its intent, and the application of the provisions hereof, the Board of Adjustment shall be responsible for resolving such questions of interpretation. Interpretations shall not be made on an individual basis, and in making such interpretations, the Board of Adjustment shall consider not only the manner in which the question(s) relate to the specific case under consideration, but also as to general city-wide applicability.

SECTION 2 - SPECIFIC DEFINITIONS

Except as otherwise provided herein, the following words and phrases shall have the meanings given in this section when used in the Ordinance.

- 2.1 ***Accessory Building or Structure.*** A detached building, the use of which is customarily incidental and subordinate to the principal building and that is located on the same lot as that occupied by the principal building. As used herein, a structure attached to a building by means of a breezeway, passageway, or other similar means that is not fully enclosed constitutes a detached structure.
- 2.2 ***Accessory Use.*** The use of a building, structure, or land that is subordinate to, customarily incidental to, and ordinarily found in association with the principal use of the building, structure, or land.
- 2.3 ***Addition.*** A structure added to a building after a certificate of occupancy has been issued for the same.
- 2.4 ***Adult Day Care Center.*** A facility that provides non-medical care to adults over 18 years of age in need of personal services, supervision, or assistance for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis.

- 2.5 ***Alley.*** A public street or way that affords only a secondary means of access to abutting property.
- 2.6 ***Alteration and Altered.*** Any form of the word “alter” shall include any of the following:
- A. any addition to the height, width, or depth of a building or structure;
 - B. any change in the location of any exterior wall of a building or structure;
 - C. any change in the position or placement of a structure or building on a lot;
 - D. any increase in the interior accommodations of a building or structure; and
 - E. any repairs, renovation, remodeling, or rebuilding to a building or structure that cost in excess of fifty percent (50%) of its fair market value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.
- 2.7 ***Amphitheater.*** An oval or round structure having tiers of seating which rise gradually outward from a central open space or arena and is used for outdoor performances or large group functions.
- 2.8 ***Automobile Filling and Service Stations.*** A place of business which conducts routine and incidental maintenance, inspection, and repair services for malfunctioning, excessively worn, or broken parts and components on otherwise operable motor vehicles or that has pumps and underground storage tanks through which motor vehicle fuels, oils, fluids, or lubricants are dispensed, sold, or offered for sale. Such facilities may offer certain automobile and travel related commodities and services limited to the following:
- A. The sale and servicing of spark plugs, batteries, distributors and distributor parts;
 - B. Maps, atlases, and other directional travel guides;
 - C. Tire servicing and repair, but not recapping or re-grooving;
 - D. The replacement and servicing of mufflers and tail pipes, water hoses, fan belts, fuel pumps, oil pumps, carburetors, alternators, hoses, wiring, and lines, brakes, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, filters, wheel bearings, mirrors, tune-ups and the like, but *not* including exclusive auto parts sales where no repair or maintenance service is offered, full vehicle restoration, body painting or repainting (other than incidental touch-up associated with permitted repair and servicing work), whole engine replacement, the on-site storage and salvaging of inoperable motor vehicles, and other similar major vehicle body and restoration work or overhauls;

- E. Radiator cleaning and flushing;
- F. Greasing and lubrication;
- G. Washing, polishing, and the sale of automobile washing and polishing products;
- H. Food or beverages, whether prepackaged or prepared on site.

(See also “body shop” and “convenience store.”)

- 2.9 ***Bed and Breakfast Inn.*** A private owner-occupied lodging facility that is not a Manufactured Home and has the exterior appearance of a single-family house and provides short-term rental sleeping accommodations with no more than ten (10) guestrooms available for rent. (See also “boarding or rooming house,” “hotel,” and “motel.”)
- 2.10 ***Board of Adjustment or Board.*** The Zoning Board of Adjustment for the City of Ashland, Alabama.
- 2.11 ***Boarding or Rooming House.*** An establishment other than a hotel, motel, restaurant or café where lodging is provided for compensation to no more than five (5) persons capable of independent living, which has at least two (2) but not more than ten (10), private rooms for rent. Individual lodging rooms within the building must be accessed through a central internal lobby or office. The rooms contained within the structure shall not constitute independent dwelling units under the terms of this Ordinance. (See also “bed and breakfast inn,” “dwelling, multi-family,” “hotel,” and “motel.”)
- 2.12 ***Body Shop.*** A motor vehicle repair and restoration facility or garage that conducts minor and major vehicle repairs, including but not limited to: full vehicle restoration work, body painting or repainting, whole engine replacement, and other similar major vehicle body and restoration work or overhauls, but not including the on-site storage and salvaging of inoperable motor vehicles. Such facilities may offer for sale motor vehicle fuels on an incidental basis. (See also “automobile filling and service stations” and “junkyard.”)
- 2.13 ***Buffer.*** An area of land that separates two (2) or more uses of different character that acts to soften or mitigate the effects of one land use on another.
- 2.14 ***Building.*** Any structure having a roof and intended for the shelter, housing, or protection of persons, animals, or property.
- 2.15 ***Building, Accessory.*** See definition for “Accessory Building or Structure.”
- 2.16 ***Building, Principal.*** A building in which is conducted, or in which is intended to be conducted, the primary or principal use of the lot on which it is located.

- 2.17 ***Building Envelope.*** The designated area within a lot wherein all principal and accessory structures, except fences, retaining walls, buffers, etc. are permitted to be built in light of the setbacks and other requirements of this Ordinance.
- 2.18 ***Building Line.*** A line on a lot located a sufficient distance from the nearest boundary line of the lot to provide the minimum yards required by this Ordinance.
- 2.19 ***Building Height.*** The vertical distance to the highest point of the roof for flat roofs, to the deck line for mansard roofs, to the mean height level between eaves and ridges of gable, hip, and gambrel roofs, and to the highest point of the roof of any other building, measured from the average elevation of the proposed or actual finished grade at the front of the building. The highest point of the roof shall include a cupola or other decorative extension of the roof, except chimneys, weathervanes, flagpoles, and antennas. Chimneys, ventilators, utility service structures, solar panels, flagpoles, fire escapes, stairway enclosures, elevator enclosures, and similar accessory rooftop structures not used for habitation or storage may exceed structure height by a maximum of twelve (12) feet. Notwithstanding the foregoing, steeples, bell towers, clock towers, cupolas, and similar ornamental architectural features may exceed structure height by a maximum of twenty-five percent (25%) of the height limit of the respective zoning district.
- 2.20 ***Building Setback Line, Front.*** A line establishing the minimum allowable distance between the nearest portion of any building and the nearest boundary line of the right-of-way abutting the front lot line. For purposes of measuring the building setback line, the exterior of a building shall include porches, landings, bay or bow windows, and decks, but not steps, gutters, flagpoles, awnings, and similar protruding fixtures on a building.
- 2.21 ***Business, Retail.*** A commercial establishment that generally sells finished products or personal services in varying quantities directly to the final consumer. These commodities or services are primarily for direct use or consumption by the purchaser.
- 2.22 ***Business, Wholesale.*** A commercial establishment that primarily sells commodities or services in large quantities or by piece to retailers, contractors, manufacturers, or other businesses. These commodities or services are mainly for resale, for use in the fabrication of a product, or for use by a retail or personal service business.
- 2.23 ***Campground.*** A lot or area of land, which retains an open air or natural character, that may be divided into individual sites that may be improved to accommodate cabins, travel trailers, or tents for temporary rental occupancy by transient persons primarily for recreational purposes.
- 2.24 ***Child Care Center.*** Any non-residential center, agency, or place, however styled, where children not related to the operator are received for custodial care, apart from their parents or guardians, whether for compensation, reward, or otherwise, during part or all of the day or night and upon any number of successive days or nights.

- 2.25 ***Child Care Center, In-Home.*** A custodial care business, conducted as an accessory home occupation use in a residential dwelling, where not more than six (6) children, not related to the operator are received for temporary care during the day only, whether for compensation, reward, or otherwise.
- 2.26 ***Church.*** A building used exclusively for religious worship, education, or related ceremonies or practices by the congregation of a church or any part thereof. A church building may include related facilities such as classrooms, family activity centers, fitness centers, and day-care centers, and accessory uses shall be permitted. A lot containing a church as the principal use also may contain a cemetery or graveyard and/or an attached or detached dwelling used solely as a domicile for church officials or temporary housing for visiting church officials, provided that such accessory use does not exceed the permitted residential density (in terms of the number of families housed) of any applicable residential zoning district, should the church be located within a residential zone..”)
- 2.27 ***City.*** The City of Ashland, Alabama.
- 2.28 ***City Council.*** The City Council of the City of Ashland, Alabama.
- 2.29 ***Club.*** A premises, building, or portion thereof owned or operated by a corporation, association, or person(s) for any social, patriotic, political, civic, recreational, or educational purpose(s) but not for pecuniary gain.
- 2.30 ***Comprehensive Plan.*** The most current or recently adopted land use or comprehensive plan for the City of Ashland.
- 2.31 ***Conditional Use.*** A use that, owing to some special characteristics attendant to its operation or installation (e.g., potential danger, smoke, or noise), may be permitted in a district subject to special requirements in lieu of, or in addition to, the requirements for the district in which the conditional use is sought to be, or is, permitted. Such uses are not considered appropriate generally or without restriction throughout a particular district but which, if controlled as to number, area, location, size, relation to the neighborhood, etc., is not detrimental to the public health, safety, or general welfare.
- 2.32 ***Condominium.*** A multi-unit residential structure where it is possible to acquire exclusive legal ownership of a unit without title to the land on which it is located or with the purchase of a partial or shared interest in the land on which it is located. (See also “dwelling, multi-family” and “townhouse.”)
- 2.33 ***Convenience Store.*** A business use that sells motor vehicle fuels through pumps and underground storage tanks in combination or conjunction with general grocery and sundry goods primarily targeted to travelers or designed to serve quick-stop (generally ten item sales or less) shoppers, including but not necessarily limited to: packaged and prepared food products, grocery items, magazines, newspapers, maps and atlases, tobacco products,

over-the-counter drugs, health and beauty products, and video rentals. Such businesses may include, if permitted within the applicable zoning district, not more than three (3) distinct business operations in a single structure with internal public access between each business. Any multiple business operations shall be limited to grocery stores, fast food restaurants or pizza parlors, video rental stores, ice cream shops, souvenir shops, tobacco stores, and newsstands. (See also “automobile filling and service station.”)

- 2.34 ***Cottage Industry.*** An incidental accessory business use or activity that is conducted within an accessory building, which is located upon the same lot as the business owner’s dwelling. All cottage industries shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “home occupation”).
- 2.35 ***Density.*** The number of dwelling units or persons per acre of land, usually expressed in units per gross acre. Density may also refer to the number of families, total number of bedrooms, or housing structures per unit of land, which is usually expressed “per acre.” For example, the density of a development of 100 dwelling units occupying 20 acres is 5 units per acre, or 140 total bedrooms in a development on 2 acres is 70 bedrooms per acre.
- 2.36 ***Development.*** The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement for which any approved plan is required pursuant to this Ordinance or other ordinances, codes, and regulations of the City.
- 2.37 ***Domiciliary Care Facility.*** A group residence for the elderly where meals are provided and limited care provided by professional staff, which is licensed by the State of Alabama as a domiciliary.
- 2.38 ***Dwelling.*** A building or portion thereof that is designed, designated, or used for permanent residential purposes.
- 2.39 ***Dwelling, Multi-Family.*** A building containing two or more functionally independent dwelling units accessed exclusively by independent exterior entrances or through a shared foyer or stairwell, such as a duplex or apartment.
- 2.40 ***Dwelling, Single Family.*** A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit, including manufactured homes.
- 2.41 ***Dwelling Unit.*** A dwelling or a portion thereof providing complete and separate bedroom, bathroom, and kitchen facilities for one or more persons living as a single housekeeping unit.

- 2.42 **Family.** One or more persons occupying a dwelling unit, who live and function as a single housekeeping unit.
- 2.43 **Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, or used as a boundary or means of protection or confinement.
- 2.44 **Flood.** Flood or flooding means a general and temporary condition or partial or complete inundation of normally dry land areas from either (a) the overflow of inland or tidal waters or (b) the unusual and rapid accumulation of runoff of surface waters from any source.
- 2.45 **Flood Hazard Boundary Map.** An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of special flood hazard have been defined as Zone A.
- 2.46 **Flood Hazard, area of special.** Area of special flood hazard is the land in the floodplain.
- 2.47 **Flood Insurance Rate Map.** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
- 2.48 **Floodplain.** May be either riverine or inland depressional areas. Riverine floodplains are those areas contiguous with a lake, stream, or streambed whose elevation is greater than the normal flowing water or water pool elevation but equal to or lower than the projected one hundred (100) year (one percent (1%) annual probability) flood elevation. Inland depressional floodplains are floodplains not associated with a stream system but that are low points to which the surrounding lands drain..
- 2.49 **Floodway.** The channel of a river or other water course and the adjacent land areas within the floodplain that is required in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- 2.50 **Floor Area, Gross or Total.** The sum of the gross area of a building's stories, measured by the exterior limits of the faces of the building. Floor area does not include attic space providing headroom of less than seven (7) feet, basements, cellars, crawl spaces, uncovered steps or fire escapes, unenclosed porches, or any floor space designated for the parking of motor vehicles or any floor space in an accessory building.
- 2.51 **Frontage, Street.** Distance of the right-of-way abutting any lot and that provides the primary vehicular access to the lot, as measured along the right-of-way line nearest to the lot's boundary line that is generally parallel to the right-of-way.

- 2.52 ***Gasoline Service Station.*** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, including incidental vehicle repair and servicing. Gasoline service stations may also engage in the incidental sale of food items and beverages.
- 2.53 ***Group Home.*** A dwelling for individuals who are not necessarily related by blood or marriage and who live and function as a single housekeeping unit under the supervision of one or more resident manager or resident manager teams. A resident manager team may include more than one resident care provider, as may be necessary, to provide around-the-clock staff support and coverage to serve the specific developmental or rehabilitation needs of the client population. Each resident manager or team and all associated individuals that are functionally or programmatically served by that resident manager or team shall constitute an individual and separate family residing within the group home. Specific individual living facilities shall be provided within the home for each family residing therein. A group home serves socially, physically, mentally, or developmentally impaired individuals in a family-type living arrangement, including homes for orphans or neglected children, homes for people with disabilities or who are mentally retarded or mentally ill, rehabilitation homes for drug or alcohol dependency, emergency care homes for abused spouses or children, and similar group residency individuals who require on-site assistance, counseling, or supervision from a resident manager, but do not otherwise represent a danger to society. Group homes shall comply with the relevant standards contained in Article IV, Section 2 of this Ordinance.
- 2.54 ***Hazardous Materials.*** Any explosive, corrosive, flammable, toxic, or carcinogenic material, chemical, or substance that poses a threat to human health or welfare. Such substances do not include common household products and cleansers that may, by their nature, include or constitute hazardous materials, as long as they are used exclusively for their intended purpose and are not stored in quantities that are excessive for common residential use.
- 2.55 ***Hazardous Waste.*** Any discarded or disused material, chemical, or substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may:
- A. cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - B. pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed, or otherwise managed.
- 2.56 ***Home Occupation.*** A business, profession, occupation, or trade conducted primarily within a dwelling by members of the family residing therein for gain or support, which use is accessory, incidental, and secondary to the use of the building for residential purposes and does not change the essential residential character or appearance of such building. All

home occupations shall comply with the relevant standards contained in Article IV, Section 4 of this Ordinance (see also “cottage industry”).

- 2.57 ***Hospital.*** An institution devoted primarily to the diagnosis, treatment, or care of the sick or injured.
- 2.58 ***Hotel.*** A commercial boarding and lodging facility offering sleeping accommodations to the public on a daily or weekly basis. Such facilities shall contain not less than ten (10) bedrooms, each of which must be accessed through a central internal lobby or office that is supervised at all times. Individual lodging rooms within a hotel shall not contain full kitchen facilities for exclusive use. Accessory uses permitted within a hotel building may include: a restaurant, conference facility, laundry facilities, meeting rooms, banquet rooms, gift shops, and recreational and exercise facilities. (See also “bed and breakfast inn,” “boarding or rooming house,” “dwelling, multi-family,” and “motel.”)
- 2.59 ***Impervious Surfaces.*** Any exposed bedrock or improvement to land that substantially reduces or prevents the natural infiltration of stormwater into the underlying soil layers and causes increased runoff, including, but not limited to, paved surfaces, buildings, sidewalks, swimming pools, and any compaction of the surface layers of soil to an intensity of at least ninety-five (95%).
- 2.60 ***Impervious Surface Area.*** The total amount of impervious surface on or upon a lot, measured horizontally.
- 2.60 ***Junkyard.*** Any lot or parcel of land upon which discarded or nonfunctional articles, products, and materials are kept, compacted, burned, stored, cannibalized, bought, or sold, but not actively repaired or used for their original purposes or as originally manufactured units. Such articles shall include but are not limited to household appliances, scrap metal (ferrous or nonferrous), demolition materials or debris, worn or used rags, used furniture, scrap paper, glass, used tires, and inoperable automobile bodies and parts.
- 2.61 ***License.*** A special permit issued by the City of Ashland to operate a business establishment.
- 2.62 ***Loading Space, Off-Street.*** A designated space outside a public right-of-way that is designed and used as a convenient temporary parking location for motor vehicles upon which bulk goods or materials are to be placed for shipping or from which bulk goods or materials are to be removed for delivery. A required off-street loading space shall not be treated as an off-street parking space in the computation of required off-street parking spaces. (See also “parking space, off-street.”)
- 2.63 ***Lounge.*** An establishment that serves beer, wine, and/or liquor for on-premise consumption and primarily offers dancing or provides other lawful entertainment. No person under 21 years of age shall be admitted on the premises of any lounge.

- 2.64 **Lot.** A parcel of land undivided by any public right-of-way and occupied by, or designated to be developed for, one (1) principal building and/or use and the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this Ordinance for such building, use, or development. The word “lot” includes the terms “plot” and “parcel.”
- 2.65 **Lot, Corner.** A lot abutting an intersection of two public rights-of-way such that it possesses frontage along both rights-of-way.
- 2.66 **Lot Depth.** The distance between the midpoints of the front and rear lot lines.
- 2.67 **Lot, Double Frontage.** A lot, other than a corner lot, that has frontage on more than one street.
- 2.68 **Lot, Frontage.** The width of a lot measured along a lot’s boundary line(s) that are contiguous with a legally accessible public right-of-way, being the length of the property line(s) along each legally accessible public right-of-way that borders the lot.
- 2.69 **Lot of Record.** Any parcel of land described by a validly recorded deed that, at the time of its recording, complied with all applicable laws and regulations.
- 2.70 **Lot Width.** The distance between the side lines of a lot, measured by a line drawn along the building setback line.
- 2.71 **Manufactured Home.** A building, transportable in one or more sections, which in the traveling mode is eight feet or more in width or 40 body feet or more in length or when erected on site is three hundred twenty (320) or more square feet, which is built on a permanent chassis and designed to be used with or without a permanent foundation. All manufactured homes shall comply with the relevant and applicable standards contained in Article IV, Section 3 of this Ordinance. (See also “mobile home” and “modular home.”)
- 2.72 **Manufactured Home Park.** A parcel of land under single management that has been planned and improved for the provisions of services to multiple manufactured homes for transient and/or non-transient use. A manufactured home park may not be platted or otherwise divided by fee simple ownership, but the sale of interests or memberships on a common-interest or unit basis, whereby roads, clubhouse, recreation facilities, and other common areas are privately owned or owned in common by residents of the park is permitted as provided in this Ordinance.
- 2.73 **Mini-Warehouse.** A building or group of buildings, which contain varying sizes of individual, compartmentalized storage units of a customer’s goods or wares, located upon a lot or lot(s) that are fenced and to which access is controlled. The term mini-warehouse shall be interpreted to include and encompass “personal storage facility” and “self-storage facility.”

- 2.74 **Mobile Home.** A structure which complies with the definition of “manufactured home” but which was manufactured prior to June 15, 1976. After the effective date of this Ordinance, mobile homes shall be a nonconformity subject to the regulations established in Article IV, Section 1 of this Ordinance. (See also “manufactured home” and “modular home.”)
- 2.75 **Modular Home.** A manufactured building built and transported in pre-manufactured sections or components to the construction site and assembled and inspected in accordance with a national building code and bearing an insignia issued by the Alabama Manufactured Housing Commission verifying compliance of the structure’s components with all applicable requirements of the 1975 Code of Alabama, as amended. For the purposes of this Ordinance, Modular Homes shall be considered stick-built single-family residences.
- 2.76 **Motel.** A building offering sleeping accommodations to the public on a daily, weekly, or monthly basis in exchange for compensation. Such buildings shall contain not less than ten (10) bedrooms. Individual lodging rooms within a motel may be accessed directly from the outdoors and may contain partial kitchen facilities, such as a sink, small refrigerator, and a microwave oven, but not a stove, convection oven or dishwasher. Accessory uses permitted within a motel building may include: a restaurant, laundry facilities, meeting rooms, gift shops, and recreational and exercise facilities. Guest rooms may also be provided in the form of separate cottages on the motel premises, as long as any bathroom facilities are connected to municipal sewer or a sanitary on-site septic system approved for such use by the Health Department. (See also “bed and breakfast inn,” “boarding or rooming house,” “dwelling, multi-family,” and “hotel.”)
- 2.80 **Nonconforming/Nonconformity.** A lot of record, structure, use of a lot or structure, or any combination of the foregoing that was legally established prior to the effective date of this Ordinance or any subsequent amendment hereto, that would not be permitted by or is not in full compliance with all applicable provisions of this Ordinance.
- 2.81 **Non-conforming Building.** Any structure that does not meet the limitations or requirements for size, dimensions, or location for the district in which such structure is located. For the purposes of this Ordinance, such structures shall be considered “non-conforming uses” and will be treated accordingly.
- 2.82 **Nonconforming Lot.** A lot the area or dimension of which was lawful prior to the adoption or amendment of this Ordinance but that fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- 2.83 **Non-conforming Use.** The use of any building or land that was lawful at the time of passage and adoption of this Ordinance or an amendment thereto but that does not conform with the use regulations of the zoning district in which it is situated after such passage and adoption.

- 2.84 **Office.** A building or portion of a building dedicated to professional, administrative, clerical, or similar uses.
- 2.85 **Open Air Market.** An market located outside of a fully enclosed structure, whether in whole or in part, for the retail sale of new or used merchandise, produce or other farm products, regardless of whether operated by a single vendor or composed of stalls, stands, or spaces rented or otherwise provided to vendors. An open air market does not include either (a) the display of merchandise outdoors as an incidental part of retail activities regularly conducted inside a permanent building provided that the merchandise is displayed on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building or (b) retail sales of merchandise sold at festivals or other special events, temporary in duration, at which the display and sale of merchandise is incidental to the primary cultural, informational, or recreational activities of such festival or special event.
- 2.86 **Open Space.** Areas of water or land, not covered by parking areas, rights-of-way, or buildings other than recreational structures, which is left and maintained in a natural state or has been developed and maintained to support outdoor recreational uses.
- 2.87 **Parking Space, Off-Street.** A designated space that is not within a public right-of-way and that is designed and used for temporary parking of motor vehicles. (See also “loading space, off-street.”)
- 2.88 **Planning Commission or Commission.** The Planning Commission of the City of Ashland, Alabama.
- 2.89 **Recreational Vehicle.** A vehicle or a unit that is mounted on or drawn by a vehicle that is primarily designed for short-term living, recreational purposes, or other temporary and/or occasional uses. Recreational vehicles include travel trailers, camping trailers, and motor homes.
- 2.90 **Regular Zoning District.** A zoning district which is delineated on the base zoning map. (See also “special zoning district.”)
- 2.91 **Residential Care Facility.** A non-medical center or facility that provides room, board, housekeeping, supervision, and personal care assistance with basic activities such as personal hygiene, dressing, eating, and walking for persons aged 60 years and older who are unable to live by themselves but do not require 24-hour nursing care or nurses, nursing assistants, and doctors on staff to meet medical and/or basic needs. Residential Care Facilities must meet care and safety standards set by the State and should be licensed and inspected by the Department of Social Services or other appropriate state agencies, if any.
- 2.92 **Restaurant.** A business that prepares, sells, and serves food and beverages to customers primarily for consumption within the restaurant building or on the restaurant’s premises but may offer curbside service or carryout options. Businesses of this type include, but are

not limited to, cafes, cafeterias, dining rooms, tearooms, coffee shop, delis, and ice cream parlors. (See also definition of “restaurant, drive through.”)

- 2.93 ***Restaurant, Drive Through.*** A commercial dining facility serving food prepared or cooked on the premises and specifically designed to afford patrons the option of dining on the premises or taking the prepared food away for off-site consumption. Such dining facilities are distinguished by the provision of a drive-through lane or service window, the absence of seating or parking facilities for on-site dining, and/or food and/or beverages that are generally served only in paper, plastic, or other disposable containers. (See also definition of “Restaurant.”)
- 2.94 ***Satellite Dish Antenna.*** An accessory structure designed to transmit and/or receive audio, video, and/or other information and data relayed by microwave signals from satellites.
- 2.95 ***Semi-Public Use.*** A land use maintained as a public service by a private, non-profit institution, such as YMCA, YWCA, Salvation Army, Red Cross, churches and church related institutions, orphanages, humane societies, private welfare organizations, non-profit welfare lodges.
- 2.96 ***Service Station.*** See definition of “automobile filling and service station.”
- 2.97 ***Shopping Center.*** A retail business development consisting of a group of commercial establishments designed as a unit and having shared parking and driveway facilities.
- 2.98 ***Special Exception.*** Generally, uses that are “permitted on appeal” to the Board of Adjustment, or are classified by this Ordinance as “incidental uses” for which no permit shall be issued except upon hearing by and with written approval of the Board of Adjustment, and further subject to such conditions as said Board may require to preserve and protect the character of a district.
- 2.99 ***Solid Waste.*** Any non-liquid or non-gaseous refuse materials or products generated by residential, commercial, industrial, or institutional uses for disposal.
- 2.100 ***Solid Waste Facility.*** Any land or structure used for the disposal, storage, transfer, collection, treatment, utilization, processing, and/or incineration of solid waste.
- 2.101 ***Special Zoning District.*** A zoning district that overlays one or more regular zoning district identified on the zoning map. (See also “regular zoning district.”)
- 2.102 ***Story.*** That portion of a building included between the surface of any floor and the surface of the floor immediately above, or if there be no floor above it, then the space between such floor and the ceiling above it.

- 2.103 **Street.** A public right-of-way that provides the principal means of access to abutting property.
- 2.104 **Street, Arterial.** A street designed to accommodate a high volume of traffic. Access may be limited and signalization may be used to maximize traffic flow. The highest order of street classification. A secondary purpose of an arterial is to provide some access to adjacent property.
- 2.105 **Street Centerline.** That line surveyed and monumented or accepted by the City of Ashland as the centerline of the street; or in the event no centerline has been so determined, that line running midway between and generally parallel to the direction of the outside right-of-way lines of the street.
- 2.106 **Street, Collector.** A street the purpose of which is to collect and distribute traffic from any local street(s) to any arterial street(s).
- 2.107 **Street, Local.** A street designed primarily to provide vehicular access from abutting properties to collector streets.
- 2.108 **Street, Major.** All arterials and collectors.
- 2.109 **Street, Major Collector.** A street of considerable continuity that is primary a traffic artery for interconnection among large areas designed to carry a high volume of traffic.
- 2.110 **Streets, Minor Collector.** A street designed to carry medium volumes of vehicular traffic, provide access to the major street system, and collect the vehicular traffic from the intersecting streets.
- 2.111 **Street Vendor or Mobile Food Vendor.** A business that primarily sells goods and/or services from a vehicle, trailer, or temporary structure.
- 2.112 **Structure.** Anything constructed, erected or affixed to the ground or attached to something affixed to the ground, including buildings, walls, fences, and signs, but the term does not include telephone or other utility poles, overhead wires, retaining walls, terrace walls, and wire fences.
- 2.113 **Theater.** An enclosed performance facility designed to allow patrons to view a performance or motion picture while seated indoors.
- 2.114 **Theater, Drive-In.** An open-air performance facility specifically designed to allow patrons to view a performance or motion picture while seated in a parked motor vehicle.

- 2.115 ***Townhouse.*** A residential dwelling unit that shares a common side wall with at least one (1) other unit and is located in a building that contains two (2) or more units (a “townhome building”). Side yards shall be required only at the end of rows of attached dwellings. In districts where townhome buildings are permitted, each townhome building must be located on a piece of land the area of which is equal to or greater than the minimum lot area of the district in which the townhome building is located. (See also “condominium” and “dwelling, multi-family.”)
- 2.116 ***Travel Trailer.*** See definition of “recreational vehicle.”
- 2.117 ***Use.*** The purpose or activity for which land or any building thereon is designed, arranged, or intended or for which it is or may be occupied or maintained.
- 2.118 ***Use, Temporary.*** Any non-accessory use established, for a fixed period of time, without construction or alteration of a permanent structure, with the intent to discontinue such use upon expiration of such time.
- 2.119 ***Variance.*** An exception granted by the Board of Adjustment in special circumstances to protect against an unnecessary and undue hardship resulting from the strict application of this Ordinance.
- 2.120 ***Yard.*** An open space on each lot, unoccupied and unobstructed by structures from ground to sky except as expressly permitted herein, located between each lot’s boundary lines and the lot’s building line(s).
- 2.121 ***Yard, Front.*** A yard extending the full width of the lot and situated between the nearest right-of-way line of the abutting street and the nearest point of the principal building. For corner lots, the front yard shall be deemed to be the yard between the shortest boundary line that abuts a right-of-way and the building line.
- 2.122 ***Yard, Rear.*** A yard extending the full width of the lot and situated between the rear boundary line of the lot and the nearest point of the principal building or structure.
- 2.123 ***Yard, Side.*** A yard existing along each side lot line, generally extending from the front yard to the rear yard, and between the side lot line and the nearest side of any building situated on the lot.
- 2.124 ***Yard, Side Street.*** A yard existing along a side lot line that abuts a right-of-way, generally extending from the front yard to the rear yard, and between the side lot line and the nearest side of any building situated on the lot.
- 2.125 ***Zoning District.*** A section of the City of Ashland for which the zoning regulations are uniform, as delineated on the Zoning Map.

2.126 **Zoning Map.** The “Official Zoning Map of the City of Ashland,” which includes a base map or maps of the regular zoning districts and an overlay or overlays of the special zoning districts.

ARTICLE III GENERAL REQUIREMENTS

SECTION 1 - USES

Except as provided herein, no structure or parcel of land shall hereafter be used or occupied except for a use permitted within the zoning district in which it is located, and no structure, or any part thereof, shall be constructed, moved, or altered except for a use permitted within the zoning district in which it is located. In each district, only the uses specifically identified as permitted uses or conditional uses shall be allowed. Uses specified as conditional uses are exceptions, and no permit shall be issued for such uses except with written approval of the Planning Commission or Board of Adjustment (for conditional uses that are special exceptions), which shall be subject to such conditions imposed by the Planning Commission or Board of Adjustment pursuant to the provisions of this Ordinance.

SECTION 2 - STRUCTURES

It is the intent of this Ordinance that no more than one principal building, along with permissible accessory structures, shall be located on any single lot of record.

SECTION 3 - HEIGHT AND DENSITY

- 3.1 ***Height of Structures.*** Except as permitted herein, no structure hereafter erected or altered shall exceed the height limit specified in this Ordinance for the zoning district in which the structure is located.
- A. **Exceptions to Height Limitations:** Chimneys, ventilators, utility service structures, solar panels, flagpoles, fire escapes, stairway enclosures, elevator enclosures, and similar accessory rooftop structures not used for habitation or storage may exceed structure height by a maximum of twelve (12) feet. Steeples, bell towers, clock towers, cupolas, and similar ornamental architectural features may exceed structure height by a maximum of twenty-five percent (25%) of the height limit of the respective zoning district.
 - B. **Exclusions from Height Limitations:** Height limitations shall not apply to farm structures, public utility poles, radio, telecommunications, and television towers, cooling towers, water tanks, and any structure specifically exempted from local zoning regulations by applicable federal law.
- 3.2 ***Density.*** No construction, real estate development(s), or erection or alteration(s) of a building or structure that causes the lot(s) on which the same is to be located or performed to exceed the maximum density of the zoning district(s) in which the lot(s) are located shall hereafter be permitted.

SECTION 4 - ACCESSORY BUILDINGS

- 4.1 ***In residential districts.*** Accessory buildings in residential districts or on any lot used primarily for residential purposes shall conform to the following regulations:
- A. Accessory buildings shall be permitted in the rear yard only, subject to the requirements herein. Accessory structures shall not exceed the height of the principal building, shall not occupy more than thirty percent (30%) of the rear yard, and shall be located a distance of not less than ten (10) feet from each of the following: (1) all side and rear lot lines, (2) the principal building, and (3) all other accessory buildings on the lot.
 - B. On any lot that shares with another lot located in a residential district a common boundary line, other than rear lot lines, no part of any accessory building shall be located within sixty (60) feet of any front lot line.
- 4.2 ***In nonresidential districts.*** On any nonresidential lot that shares with a lot located in a residential district any common boundary line(s), no part of any accessory building shall be located within fifty (50) feet of such shared boundary line(s).
- 4.3 ***Minimum separation.*** Except as herein provided, every accessory building, and the component parts thereof, shall be setback from each lot line a minimum five (5) feet and shall also be setback from the principal building and all other accessory buildings, if any, a minimum of ten (10) feet.

SECTION 5 - LOTS

- 5.1 ***Minimum lot size.*** Each lot created after the effective date of this Ordinance shall comply with the minimum lot size requirements for the zoning district in which it is located.
- 5.2 ***Yard reduction.*** No lot shall be reduced in area so that yards and other open spaces are less than the minimum area(s) required under this Ordinance, except as herein provided.
- 5.3 ***Minimum frontage.*** All lots shall have a minimum frontage of not less than forty (40) feet along a right-of-way or street that complies with all applicable City requirements. The minimum required frontage shall be reduced to thirty (30) feet for lots fronting on the turn-about at the end of a permanent cul-de-sac.

SECTION 6 - YARDS, BUFFERS, AND OPEN SPACE

- 6.1 ***Required yards and open spaces.*** In each district, each building hereafter erected or altered shall comply with the applicable minimum yard requirements set forth in this Ordinance. No open space or lot required for a building shall be occupied by or counted as open space for another building or structure. No yard or other open space provided, nor the off-street parking and loading spaces required, about any building for the purpose of complying with the regulations of this Ordinance shall hereafter be included as a part of a yard or other

open space, or the off-street parking or loading spaces for any other building, except as hereafter provided.

6.2 ***Yards and open spaces on non-conforming lots.*** A property owner may construct or build upon a lot of record, which at the time of the adoption of this Ordinance or any amendment thereto does not comply with the applicable lot size specifications, a principal building and accessory buildings or structures otherwise permitted in the district in which the lot is located provided that:

- A. they are constructed or erected in a manner that, in the opinion of the Board of Adjustment, conforms as closely as possible to the minimum yard size, setbacks, and other requirements applicable to the district in which the lot is located;
- B. that neither side yard shall be reduced to less than five (5) feet except in zoning districts that have no side yard requirement; and
- C. the front building setback line of the principal building shall not be required to exceed the average of the setbacks of the existing principal buildings within 100 feet on each side of the non-conforming lot, but in no case shall the front building setback line of any principal building hereafter erected or altered be less than twenty (20) feet. In the event the average of the setbacks of each existing principal building within 100 feet on each side of the non-conforming lot exceeds the minimum setback for the zoning district in which the non-conforming lot is located, the minimum setback shall apply.

6.3 ***Buffers.***

- A. **Generally.** No required buffer shall be less than ten (10) feet in width at any point when separating adjoining residential uses, and no required buffer area shall be less than fifteen (15) feet in width at any point when separating commercial or industrial use from a residential use.
- B. **Permitted Buffer Types.** Subject to the limitations and requirements set forth herein, buffers shall consist of a densely planted strip of evergreen shrubs or trees, solid brick or wood fencing, earthen berm, a natural drainage way, or a similar condition, or any combination thereof intended to serve as a physical and visual divider between different uses or lots.
 - 1. **Height Restrictions.** Unless otherwise set forth herein, buffers, including fences and walls, may be erected, placed, or maintained along a lot line to a height not exceeding eight (8) feet above the ground. *See* Article III, Section 11 for traffic visibility requirements and additional restrictions related to buffers. *See* Article III, Section 10, “Fences and Walls” for additional restrictions for buffer fences and walls.
 - 2. **Evergreen Shrubs.** Buffers consisting of evergreen shrubs with an upright

to spreading form shall be spaced not less than seven and one-half (7 ½) feet on center of the boundary line of the Lot along which the buffer is located.

- C. **Maintenance Requirements.** Each buffer shall be improved and regularly maintained to provide an effective, year-round, visual screen between adjoining uses and structures that is natural in appearance and enhances or complements the aesthetic appearance of the subject property from the adjoining property or properties.

SECTION 7 - BUILDING SETBACK LINES

- 7.1 **Measuring Building Setback Lines.** Building setback lines shall be measured from the boundary lines of each lot; provided, however, that in the event a front, rear, or side boundary line of a lot abuts a right-of-way, the respective front, rear, or side building setback line shall be measured from the nearest boundary line of the abutting right-of-way.
- 7.2 **Properties abutting existing improved public streets.** When any required yard abuts a street or roadway within a right-of-way that is forty (40) feet or more in width, the setback shall be the standard setback required in that zoning district.
- 7.3 **Additional setback for Lots abutting dedicated rights-of-way.** When any required yard abuts a street or roadway within a right-of-way that is less than forty (40) feet in width, the setback shall be the standard setback required in the applicable zoning district **plus** an additional ten (10) feet. .
- 7.4 **Additional setback for Lots abutting street or roadway without dedicated right-of-way.** When any required yard abuts a roadway that is not within a dedicated right-of-way, the setback shall be not less than ten (10) feet, **plus** any additional setback required by the minimum dimensional requirements for the applicable zoning district.

SECTION 8 - FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS

For corner lots, the front yard shall be deemed to be the yard between the shortest boundary line that abuts a right-of-way and the building line.

SECTION 9 - ACCESS TO STREETS

No building for human occupancy shall be erected without unrestricted vehicular access to a public right-of-way.

SECTION 10 - FENCES AND WALLS

- 10.1 **Height on residential properties.** Fences or walls may be erected and maintained, along a side or rear lot line on residentially zoned property to a height not exceeding eight (8) feet above the ground. Fences or walls located in a required front yard shall not exceed a height

of four (4) feet, and such fences or walls, and all component parts thereof, shall be a minimum of twenty (20) feet from any intersecting lines of public rights-of-way or railway rights-of-way. See Article III, Section 6.3 for buffer regulations.

10.2 **Height on nonresidential properties.** No fence or wall erected, placed, maintained, or grown along a lot line on any non-residentially zoned property shall exceed a height of eight (8) feet.

10.3 **Prohibited materials.** Barbed wire shall not be used as fencing for any residential property.

SECTION 11 - TRAFFIC VISIBILITY AT INTERSECTIONS

Except as otherwise permitted herein, no fence, wall, shrubbery, marquee, sign, buffer, or other obstruction to vision in excess of three and one-half (3.5) feet in height above street level shall, in any district, be permitted within twenty (20) feet of the intersection of the right-of-way lines of two (2) or more streets or railroads or of any street and railroad rights-of-way lines.

SECTION 12 - STORMWATER MANAGEMENT

Stormwater runoff from construction sites and urban development is a significant source of surface water contamination. New development and construction activity must be designed to minimize on-site erosion and the resulting sedimentation of off-site water resources that can be generated by stormwater runoff. Therefore, all development shall comply with the following requirements. The City may request assistance from the Natural Resource Conservation District or other qualified experts in evaluating the applicant's proposed measures to comply with these requirements.

12.1 **Exempt activities.** The following activities shall be exempt from these stormwater management requirements:

- A. minor land disturbing activities normally associated with single family uses, such as home gardens, landscaping, building repairs or alterations, swimming pool installation, or other related, low-impact activities;
- B. construction of a single-family dwelling on an individual lot;
- C. the installation or replacement of a manufactured home;
- D. agricultural practices or the construction of farm buildings conducted in full compliance with all applicable Best Management Practices maintained by the Alabama Department of Environmental Management (ADEM); and
- E. private and commercial forestry activities, when conducted in full compliance with all of ADEM's applicable Best Management Practices.

12.2 **ADEM permit required.** Construction projects or land disturbing activities involving one (1) or more acre of land must be approved by the Alabama Department of Environmental

Management prior to commencing. Applicants subject to this requirement shall provide evidence that a stormwater discharge permit has been issued by ADEM prior to the issuance of a zoning permit by the Code Enforcement Officer.

ARTICLE IV SPECIAL USE PROVISIONS

SECTION 1 – NONCONFORMING USES AND STRUCTURES

- 1.1 ***Purpose of Provisions.*** Within the zoning districts established by this Ordinance or by any subsequent amendment hereto, there exist lots, structures, uses of land and structures, and characteristics of use that were lawfully created, established, or constructed before this Ordinance was adopted or amended, but that would be prohibited, regulated, or restricted under the terms of this Ordinance or of subsequent amendments. It is the intent of this Ordinance to permit such nonconformities to continue until they are removed or discontinued but not to actively encourage their survival. It is further the intent of this Ordinance to assure nonconformities shall not be enlarged, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited in the same district. Nonconforming status runs with the land; i.e., a change in ownership or tenancy does not terminate the nonconforming status of a lot and/or structure.
- 1.2 ***Incompatibility of Nonconforming Uses.*** Nonconforming uses are declared by this Ordinance to be incompatible with the permitted uses in the zoning districts in which they are located. A nonconforming use of land, of structure, or of land and structure in combination shall not be extended, enlarged, or otherwise intensified after passage of this Ordinance either by additions to any existing structure or by the addition of any other use that is generally prohibited in the district in which such non-confirming use is located.
- 1.3 ***Avoidance of Undue Hardship.*** To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building upon which actual construction was lawfully initiated prior to the effective date of adoption of or amendment to this Ordinance.
- 1.4 ***Single Nonconforming Lots of Record.*** A single lot of record that does not meet the minimum size requirements of the zoning district in which it is located at the effective date of adoption of or amendment to this Ordinance may be used for the erection of those buildings and accessory buildings necessary to carry out the permitted uses in that district, provided:
 - A. Minimum space and height requirements of the lot shall conform as closely as possible to the applicable standards for the district.
 - B. Requirements for yards and setbacks, accessory buildings and uses, and off-street parking and loading spaces shall conform as closely as possible to the applicable standards for the district.
 - C. Variance for area, dimensional, and other requirements shall be obtained only through action of the Board of Adjustment as authorized in Article VII, Section 5.3 of this Ordinance.

- D. Such lot must not have continuous frontage with other lots in the same ownership that could be combined to eliminate the nonconformity.

1.5 ***Contiguous Nonconforming Lots of Record.*** If two (2) or more lots that do not conform with the minimum lot specifications herein, are contiguous and owned by the same person(s), the lots shall be considered to be an undivided parcel for the purpose of this Ordinance, and no portion of said parcel shall be used or sold in a manner that diminishes compliance with the minimum size standards. Nor shall any existing lot of record be divided in a way that would create a non-conforming lot. Nothing in this provision shall be interpreted to prevent the adjustment of an adjoining lot line or the re-subdivision of a lot so combined, where sufficient land area exists to establish more than one conforming lot.

1.6 ***Nonconforming Structures.*** Where, at the effective date of adoption of or amendment to this Ordinance, a lawful structure exists that could not be built under the terms of this Ordinance by reason of not complying with minimum dimensional requirements or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, provided:

- A. No such nonconforming structure may be enlarged or altered in a way that increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or any part thereof be destroyed by any means to the extent of more than fifty percent (50%) of its fair market value immediately prior to its destruction, it shall be reconstructed or repaired only in conformity with the provisions of this Ordinance.
- C. Should such structure be voluntarily relocated for any reason whatsoever, it shall thereafter conform to the requirements or standards for the district in which it is located after it is moved.

1.7 ***Nonconforming Uses of Land or Land and Structure in Combination.*** Where, at the time of adoption of or amendment to this Ordinance, lawful uses of land or land and structure exist that, under the terms of this Ordinance, would not be permitted in the zoning district in which they are located, such uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of or amendment to this Ordinance.
- B. No such nonconforming uses, nor structures devoted to nonconforming uses, shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption of or amendment to this Ordinance.

- C. No additional structures shall be erected in connection with such nonconforming uses.
- D. If any such nonconforming uses are discontinued for a period of more than one (1) year, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards specified by this Ordinance for the zoning district in which such land and/or structure is located.
- E. If any nonconforming use is replaced by a permitted use, any subsequent use of the land and/or structure formerly devoted to such nonconforming uses shall thereafter conform to the requirements or standards for the district in which it is located, and the nonconforming use may not thereafter be resumed.
- F. A nonconforming use may change to a new nonconforming use, provided the new use is more consistent with the permitted uses of the district in which it is located and is less objectionable and generates fewer external impacts on neighboring uses and properties than the previous nonconforming use. In determining whether the new use would be in greater conformity with this Ordinance, impact criteria shall be evaluated, and such criteria shall include, but not be limited to, the following:
 1. the degree to which traffic generation and congestion, including truck, passenger car, and pedestrian traffic would be reduced;
 2. the degree to which external noise, smoke, dust, fumes, vapors, gases, heat, odor, glare, or vibration would be reduced; and
 3. the degree to which the nature of the new use is consistent with other uses permitted in the district.
- G. Where nonconforming use status applies to land and structure in combination, destruction of the structure to the extent of more than fifty percent (50%) of its fair market value immediately prior to such destruction, shall terminate the nonconforming status of the structure but shall not terminate the nonconforming use.

1.8 ***Repairs and Maintenance.***

- A. On any structure devoted to a nonconforming use, whether in whole or in part, work may be done on ordinary maintenance, including remodeling, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided the volume of the structure, as it existed at the effective date of this Ordinance or subsequent amendment, shall not be increased.
- B. On any lot devoted to a nonconforming use, whether in whole or in part, work may be done on ordinary maintenance, repair, or replacement of parking and loading

areas, signs, lighting, fences, walls, and related exterior amenities, provided the extent of those amenities shall not be increased or rearranged.

- C. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any structure or exterior amenity declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 2 – GROUP HOMES

Group homes shall be conducted within a building that is consistent or compatible with the character of the district in which it is located.

- 2.1 ***No exterior changes incompatible with residential character.*** A group home located in the R-1 Residential District shall be conducted within a building that shall maintain the exterior appearance of a single-family dwelling, with no separate outside entrances to individual bedrooms.
- 2.2 ***Group homes in multi-family and nonresidential districts.*** A group home in a multi-family or business district may be conducted in a building other than a single-family dwelling, provided the group home conforms to the characteristics described in the definition of “group home” in Article II, Section 2 of this Ordinance.
- 2.3 ***Compliance with all applicable State laws.*** Where applicable, the group home shall provide evidence that it will operate in compliance with any State licensing requirements.

SECTION 3 – MANUFACTURED HOMES

- 3.1 ***H.U.D. seal required.*** Prior to installation, each manufactured home shall bear a seal certifying compliance with the Manufactured Home Construction and Safety Standards Act promulgated by the U.S. Department of Housing and Urban Development. Any existing mobile home or manufactured home not bearing such seal shall be deemed a nonconforming structure and shall be treated as a nonconforming structure and use in accordance with the regulations established in Section 1 of this Article.
- 3.2 ***Anchoring requirements.*** All manufactured homes shall be set up, installed, and anchored in full compliance with the requirements of the Alabama Manufactured Housing Commission. Each manufactured home site shall be properly prepared for set up and installation as may be necessary and appropriate to prevent the accumulation of standing water or the drainage of stormwater runoff beneath the manufactured home. Where a concrete pad is available, a manufactured home shall be properly anchored thereto, and all tow bars and axles shall be removed and stored in a location where they will not be visible from the street or neighboring properties.
- 3.3 ***Skirting required.*** All manufactured homes shall be skirted by a continuous weather-resistant material which resembles a permanent foundation commonly found on a single-family dwelling. All skirting shall be adequately vented and shall be completely installed

within ninety (180) days of the date that the manufactured home has been installed and anchored to the home site. Where the space beneath a manufactured home that is to be enclosed by skirting is not completely covered by a concrete pad, then a ground vapor retarder of 6 mil rated polyethylene sheeting or greater shall be installed over the entire area enclosed by skirting.

3.4 ***Sanitary facilities.*** Each manufactured home used for residential purposes shall contain at least one shower or tub, a flush toilet, a lavatory, hot and cold running water, and a central source of heat for the occupants thereof.

3.5 ***Compatibility with Adjoining Residential Properties.*** While the City of Ashland acknowledges and accepts its responsibility to promote a wide range of affordable housing styles for its residents, it also must recognize that manufactured homes are a distinct type of housing that can, under certain circumstances, alter or disrupt the stability of property values and character of established residential neighborhoods that consist predominantly or exclusively of site-built single family detached dwellings. Such disruptions can be especially severe in neighborhoods that consist of historic homes that represent and reflect a specific architectural style and character or that consist of uniformly high value dwellings, relative to the value of a standard manufactured home. In these special neighborhoods, the City's responsibility to provide siting flexibility for manufactured homes must be reasonably tempered and balanced by the City's competing responsibility to maintain the character, architectural integrity, and property value stability of established single-family residential neighborhoods. Therefore, manufactured homes may be permitted on a vacant lot within an AG and RMH Zoning District only in full compliance with the following special conditions:

A. the proposed manufactured home will not be located on a vacant lot that is within a designated local, state, or federal historic district or a vacant lot that is between two or more structures that have been listed on or are eligible for addition to the National Register of Historic Places.

3.6 ***Manufactured Home Use.*** No manufactured home may be used for any purpose other than as regulated for residential use herein except as follows:

A. as an office at a licensed manufactured home sales business;

B. a temporary construction office at a job site; provided that such use shall cease when a certificate of occupancy is issued;

C. showing of exhibits or special products for a period not to exceed thirty (30) consecutive days;

D. as an office, storage, or housing community facilities by and for the owner of a manufactured home park and/or its residents; or

E. as a commercial use in an emergency situation for a period not to exceed one (1)

year, which emergency use shall be a conditional use and permitted only upon Planning Commission approval pursuant to the provisions of Article VI, Section 3 of this Ordinance to the extent such use exceeds a period of one (1) year.

- 3.7 ***Exceptions from Manufactured Home Requirements.*** Manufactured homes used for any purpose identified in Section 3.6(B) and Section 3.6(C) shall be exempt from the skirting and anchoring requirements otherwise applicable to manufactured homes.

SECTION 4 – HOME OCCUPATIONS AND COTTAGE INDUSTRIES.

- 4.1 ***Home Occupations.*** A home occupation may consist of any accessory business use that fully complies with all of the standards contained in this section. No home occupation shall be allowed in any multi-family dwelling.
- 4.2 ***Cottage Industries.*** A cottage industry may consist of any accessory business use, except solid waste facilities, junk or scrap metal shops, automobile repair shops or garages, or food processing/packing operations, that fully complies with all of the standards contained in this section.
- 4.3 ***Standards Applicable to both Home Occupations and Cottage Industries.*** The following standards shall apply to both home occupations and cottage industries.
- A. The home occupation or cottage industry must be owned and operated by the owner of the property upon which such business use is to be located, or the business owner must have written approval of the owner of the premises, if the applicant is a tenant.
 - B. The home occupation or cottage industry shall be operated only by the members of the family residing in the principal dwelling located on the lot upon which such business use will be located.
 - C. The home occupation or cottage industry shall not involve the use of or result in the production of any hazardous materials or hazardous waste.
 - D. The home occupation or cottage industry shall not generate smoke, glare, vibrations, electrical disturbance, radioactivity, or other conditions that will be a nuisance to the surrounding area. No home occupation or cottage industry shall involve the use of any equipment or process that creates visual or audible interference on any radio or television receivers on the premises or that causes fluctuations in line voltage off the premises.
 - E. The home occupation or cottage industry shall not generate any in-person business or customer traffic (either by the business operators or customers) between the hours of 8:00 p.m. and 6:00 a.m.
 - F. At least three (3), but no more than five (5), off-street parking spaces shall be provided for the home occupation or cottage industry.

- G. No home occupation or cottage industry shall require the use of more than one vehicle for exclusive use of the business.

4.4 ***Standards Applicable to Home Occupations.*** The following standards shall apply to only home occupations.

- A. All business operations, activities, and transactions associated with the home occupation shall be conducted entirely within the dwelling unit. No business operations, activities, or transactions shall be conducted in any portion of the dwelling not approved for home occupation use by the City.
- B. The home occupation shall not occupy more than 25% of the total dwelling unit floor area. In no instance shall the total floor area devoted to a home occupation exceed five hundred (500) square feet.
- C. The home occupation shall not cause or result in any change in the outside appearance and residential character of the dwelling unit.
- D. The home occupation shall not generate more customers to the home at any point in time than can be accommodated in the improved off-street parking area on the property, and in no instance shall the total customer traffic at the home exceed more than five (5) vehicles at a time.
- E. All equipment, materials, and products of the home occupation, with the exception of one vehicle intended for business use, shall be safely and securely stored inside the dwelling unit at all times.
- F. The home occupation and dwelling unit shall comply with all applicable building and fire codes. Home occupations will not be permitted in any dwelling unit in which the primary residential use does not fully comply with the applicable requirements for the zoning district within which it is located.
- G. Only one (1) non-illuminated accessory sign having a sign area of not more than two (2) square feet shall be allowed to advertise any home occupation.

4.5 ***Standards Applicable to Cottage Industries.*** The following standards shall apply to only cottage industries.

- A. No cottage industry shall be permitted on a lot smaller than three (3) acres.
- B. All business operations, activities, and transactions associated with the cottage industry shall be conducted entirely within an accessory building, which shall be set back at least fifty (50) feet from each line of the lot on which the accessory building is situated. No business operations, activities, or transactions shall be conducted in any portion of the owner's dwelling or lot not specifically approved by the City for cottage industry use.

- C. All equipment, materials, and products of the cottage industry, with the exception of one vehicle intended for business use, shall be safely stored inside a secured structure on the lot.
- D. Cottage industries shall not be permitted in any accessory structure that does not fully comply with all applicable requirements for the zoning district within which the accessory structure is located.

4.6 ***Expiration of Permit/License.*** It shall be unlawful to engage in any home occupation or cottage industry in absence of obtaining all required business licenses, including City business license(s). When a municipal business license from the City is required, it shall expire upon the occurrence of any event specified below:

- A. When the permittee ceases to occupy the structure or lot for which the permit was issued. No subsequent occupant of such premises shall engage in any home occupation or cottage industry until a new permit has been issued. A permit to operate a home occupation or cottage industry is not transferable to a new residence or lot.
- B. When the holder of a home occupation or cottage industry permit ceases operation of the permitted business activity for any period of ninety (90) consecutive days.
- C. When the owner of a permitted home occupation or cottage industry is issued a notice of violation of this Ordinance, the owner shall cease and desist from all business operations until such time as the enforcing officer has verified, through on-site inspection, that the violation has been remedied. Failure to cease and desist from all business operations, in accordance with this provision, shall constitute a separate violation. If the owner fails to comply with a cease and desist order, or the violation has not been remedied within fifteen (15) days of the date that the notice of violation was issued, the home occupation or cottage industry permit and business license shall expire and no resumption of business activities associated with such business may occur without first obtaining a new permit and business license.
- D. Upon the expiration of the permit according to the terms thereof.

SECTION 5 – OFF-STREET PARKING REQUIREMENTS

5.1 ***Basic design requirements for parking lots.*** Required parking spaces, as set forth below, shall not be located within, whether in whole or in part, any public right-of-way. Each individual parking space shall be at least eight (8) feet, six (6) inches in width. Required spaces shall have an all-weather surface, an unobstructed maneuvering space, and access lanes of adequate width leading to a street or alley. Overflow or reserve parking areas in excess of the minimum spaces required herein may be constructed of permeable surface materials, including gravel, crushed stone, or other porous pavement materials designed to

serve anticipated overflow parking and to prevent excessive soil erosion. Except for one and two-family dwellings with access from local or minor collector streets only, maneuvering and turning areas shall be provided so that no vehicles will be required to back into a street. Only vehicles in operating condition shall be allowed to occupy these spaces. The following identifies the minimum number of automobile parking spaces for specified uses. Where a particular use is not specifically mentioned, the requirements of a similar or related use shall apply. Where more than one use will be conducted on a specific site, the site shall satisfy the combined requirements of all specified uses. Required parking spaces shall include spaces designated for people with disabilities, the number and design of which shall be in accordance with the standards set forth by the Americans with Disabilities Act.

- A. *Automobile Service Stations* – Three (3) parking spaces for each grease rack, vehicle lift, or similar facility, plus one (1) for each attendant.
- B. *Bowling Alleys* – Three (3) parking spaces for each bowling lane.
- C. *Churches, Theatres, Auditoriums, Stadiums or Other Places of Public Assembly* – One (1) parking space for every three (3) seats in the principal assembly room or area.
- D. *Dwellings* – Two (2) parking spaces per dwelling unit, except that buildings containing three (3) or more dwelling units shall have one and one-half (1 ½) parking spaces per dwelling unit.
- E. *Hospitals, Sanitariums or Nursing Homes* – One (1) space for every two (2) beds intended for patients, plus one (1) space for each staff member employed during the peak work shift.
- F. *Manufactured Home Parks* – Two (2) parking spaces located on each manufactured home site. A manufactured home lot in a manufactured home park shall not be required to provide off-street space for vehicle turn-around without backing into the street.
- G. *Motels and Hotels* – One (1) parking space for each room leased for guest accommodation, plus one (1) additional space per full-time equivalent employee during the peak work shift.
- H. *Offices or Professional Buildings* – One (1) parking space for every two hundred fifty (250) square feet of gross floor area. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
- I. *Private Club or Lodge* – One (1) space for every one hundred (100) square feet of gross floor area.

- J. *Restaurant or Other Eating Place* – One (1) parking space for every two (2) seats. Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
- K. *Retail or Services* – One (1) parking space for each three hundred (300) square feet of gross floor area devoted to trade or service activity (including inventory storage space and administrative office space). Travel lanes for drive-through services shall not be included in the minimum area required for the parking lot.
- L. *Rooming Houses, Boarding Houses, and Bed and Breakfast Inns* – One (1) parking space for each rental room, plus two (2) spaces for each resident manager unit.
- M. *Schools* – One (1) parking space for each administrative employee working at the school. Two (2) parking spaces for each classroom serving students below grade ten (10). One (1) parking space for every five (5) students of classroom seating capacity for each classroom serving students in grade ten (10) or higher.
- N. *Shopping Centers* – Four (4) parking spaces for every one thousand (1,000) square feet of area devoted to trade or service activity.
- O. *Warehousing, Manufacturing, and Industrial Establishments* – Three (3) parking spaces for every two (2) employees working during the peak work shift.
- P. *Wholesale Establishments* – One (1) parking space for every one thousand (1,000) square feet of gross floor area.

5.2 ***Plans and Specifications Required for Off-Street Parking Spaces.*** Plans and specifications showing required off-street parking spaces, including the means of access and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a zoning or building permit.

5.3 ***Location of Parking Spaces.***

- A. Except for one and two family dwelling units, if required parking spaces cannot be provided on the same lot on which the principal use is conducted, such spaces may be provided on adjoining off-street property, provided that the required spaces are located no further than four hundred (400) feet from the main entrance of the principal use. Such parking spaces shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- B. Parking spaces designated for use by people with disabilities shall be located in close proximity to the main entrance of the building with which they are associated, in accordance with the standards set forth by the Americans with Disabilities Act.

5.4 ***Truck Parking Restrictions.*** No trucks larger than 1-ton pick-up trucks shall be permitted to park in any residential district, except that a truck or commercial vehicle not greater than

one and one quarter (1.25) tons may be parked in an accessory structure within a residential district.

- 5.5 ***Joint Use of Off-Street Parking Areas.*** Nothing in this Ordinance shall be construed to prevent the joint use of an off-street parking area or facility by two or more buildings or uses if the total of such spaces, when used together, exceeds the sum of the requirements for the various individual uses or buildings computed separately.
- 5.6 ***Landscaping.*** All paved surface parking lots containing more than one hundred (100) parking spaces shall incorporate, within the paved area, landscaped islands constituting not less than ten (10) percent of the total paved portions of the parking lot. The area of any required islands shall not be counted as part of the required minimum parking area for the off-street parking lot. Landscaped islands shall be distributed broadly throughout the parking lot and designed to provide sufficient unpaved area to support healthy plant growth and root structures. Each landscaped island shall also be designed to accommodate at least one shade tree, which shall be not less than ten (10) feet tall at planting. Shrubs, flowers, and other ornamental plants or ground cover shall be incorporated into the landscaping on each island. Special consideration shall be given to native plants and trees when selecting vegetation and additional consideration shall be given to the location of trees and tall shrubs with respect to above ground power lines, light poles, and other possible obstructions, to prevent the need for excessive pruning as the trees and shrubs grow and mature.
- 5.7 ***Plans and Specifications Required for Off-Street Loading and Unloading Spaces.*** Plans and specifications showing required loading and unloading spaces, including the means of ingress and egress and interior circulation, shall be submitted to the enforcing officer for review at the time of application for a building permit.
- 5.8 ***Off-Street Loading and Unloading.***
- A. All commercial and industrial structures hereafter erected or created are required to provide and maintain adequate off-street space for loading and unloading of materials, goods, or things, and for delivery and shipping. Such off-street space shall be designed so that service and delivery vehicles may use this space without encroaching on or interfering with public use of streets and alleys by pedestrians and other vehicles. All such structures are also required to have sufficient off-street parking space for all vehicles owned, controlled, or rented by such establishment.
 - B. Where any commercial or industrial structure is enlarged, or any such use is expanded, the full amount of off-street loading space shall be provided and maintained for the structure or use in its enlarged size.
 - C. Where the use of a structure or land, or any part thereof, is changed to a use requiring off-street loading space under this article, the full amount of off-street loading space shall be provided and maintained to comply with this Section.

- D. Off-street loading space shall be an area at least 12 feet wide by 45 feet long with 14-1/2 feet of vertical clearance. Off-street loading spaces shall be provided and maintained in accordance with the following schedule:
1. For each retail store, storage warehouse, wholesale establishment, industrial plant, freight terminal, market, restaurant, funeral home, laundry, dry cleaning plant, or similar use which has an gross floor area of:
 - a. Less than 8,000 square feet – No off-street loading required, but no permit will be issued without off-street loading until the Code Enforcement Officer has approved the plot plan of the proposed structure;
 - b. 8,000 square feet to less than 20,000 square feet – One space of off-street loading is required;
 - c. 20,000 square feet to less than 60,000 square feet – Two (2) spaces of off-street loading is required;
 - d. For each additional 40,000 square feet – One (1) additional off-street loading space is required.
 2. For each auditorium, convention hall, exhibition hall, hotel, office building, stadium, sanitarium, or similar use which has an aggregate gross floor area of:
 - a. Less than 10,000 square feet – No off-street loading required, but no permit will be issued without off-street loading until the Code Enforcement Officer has approved the plot plan of the proposed structure;
 - b. 10,000 square feet to less than 40,000 square feet – One (1) space of off-street loading is required;
 - c. For each additional 40,000 square feet – One (1) additional off-street loading space is required.
 3. For any use not specifically mentioned herein, the off-street loading requirements specified above for the most similar use shall apply.
- E. No area or facility supplied to meet the required off-street parking facilities shall be utilized for or deemed to meet the requirements of this article for off-street loading facilities.
- F. Nothing in this article shall prevent the collective, joint, or combined provision of off-street loading facilities for two or more buildings or uses, provided that such

off-street loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are so located and arranged as to be usable thereby.

- G. Plans for buildings or uses requiring off-street loading facilities under the provisions of this article shall clearly indicate the location, dimensions, clearance, and access of all such required off-street loading facilities.

5.9 ***Emergency Vehicle Access.*** The Code Enforcement Officer shall require, at the specific request of the Police Chief or Fire Chief, separate additional emergency vehicle access lanes, if deemed necessary to provide for adequate emergency vehicle access to the principal structures on the property. Where required, emergency vehicle access lanes shall be located as close as possible to the main entrance of the principal structures of the property, shall be at least 15 feet in width, and shall be visibly designated for exclusive emergency use, either by painting, appropriate signage, or both.

5.10 ***Continuing Character of Obligation.*** Required off-street parking and loading spaces associated with newly erected or altered buildings or newly established uses of land shall be a continuing obligation of the owner of said building or land so long as the structure or use exists or its use requiring such parking or loading facilities continues. Apart from the discontinuance, sale, or transfer of the building or use, it shall be unlawful for said owner to discontinue, change, dispense with, or cause the discontinuance or change of the required vehicle parking or loading space without establishing alternative vehicle parking or loading space which meets the requirements of and is in compliance with this Ordinance; or for any person to use a building or lot without providing vehicle parking or loading spaces which meet the requirements of and are in compliance with this Ordinance.

SECTION 6 – ACCESSORY RESIDENTIAL UNITS

Technological and medical advances have made it possible for people to live longer lives and to live more independently than ever before. At the same time, a declining number of children must provide care and support for an expanding elderly population, despite increased work demands to make ends meet. The City of Ashland understands the demands faced by working adults and seeks to provide an option for families to provide special and convenient care for elderly and handicapped members. The purpose of this Section is to establish basic standards for the development of accessory residential units to provide a semi-independent living environment for family members who require special care and support from the primary household. Such a unit would provide greater privacy and personal freedom than an added bedroom within the primary dwelling but would not create an additional independent living unit that would alter the character of the original single-family structure and the surrounding neighborhood. However, nothing in this section shall be interpreted to require the creation of an accessory residential unit to provide in-home care for an elderly or handicapped family member. Accessory residential units shall be allowed only for single family dwellings, and manufactured homes shall not be permitted as accessory residential units.

- 6.1 ***Incomplete facilities for exclusive personal use.*** The purpose of this provision is to provide opportunities for families to provide essential on-site care and support for elderly and handicapped members, not to provide opportunities for families to create independent rental units for general leasing. Therefore, accessory residential units must be designed to prevent independent use. All accessory residential units must lack either complete kitchen facilities or bathroom facilities for exclusive personal use. An incomplete kitchen must lack a convection microwave/oven, stove, or kitchen sink. An incomplete bathroom must lack a toilet, or if it has a toilet, must lack both a shower and bathtub. The remaining kitchen or bathroom facilities necessary to serve the accessory residential unit must be provided within the primary dwelling unit. The applicant shall provide evidence that the sewage disposal needs of the additional accessory bedroom(s) can be satisfied by the existing sewage service. No separate meters for utility service shall be established or provided for any accessory residential unit.
- 6.2 ***Maximum floor area.*** Accessory residential units shall contain not more than five hundred (500) gross square feet or twenty-five (25) percent of the total floor area of the primary residential dwelling, whichever is less.
- 6.3 ***Leasing agreement prohibited.*** No accessory residential unit shall be leased to a tenant through any formal leasing agreement or contract. Any reimbursement arrangements for use of the unit or support services provided to the tenant shall be on an informal and incidental basis.
- 6.4 ***Contained within primary dwelling.*** An accessory residential unit must be contained within the primary dwelling unit on a property. No accessory structure or outbuilding on the lot may be used or modified to serve as an accessory residential unit. Not more than one (1) exterior entrance to an accessory residential unit shall be permitted.
- 6.5 ***Limit on number of units.*** Where permitted, no more than one (1) accessory residential unit shall be allowed per primary dwelling.
- 6.6 ***No change in character of structure.*** An accessory residential unit shall be designed to cause no apparent change in the exterior residential character or appearance of the primary dwelling unit.
- 6.7 ***Documentation of need.*** Accessory residential units are intended to serve specific family or household needs that would be better satisfied by the creation of a semi-independent living environment. Applicants who desire to construct an accessory residential unit shall submit a written statement to the Code Enforcement Officer describing the need that will be served by the accessory residential unit.

SECTION 7 - TEMPORARY BUILDINGS AND STRUCTURES

Nothing in this Ordinance shall be construed to prohibit the use of a trailer for a temporary construction office in accordance with the building code of the City of Ashland, nor shall this ordinance be deemed to prohibit the parking of only one unoccupied camper-trailer, not exceeding

ten (10) feet in width and twenty-five (25) feet in length, in an accessory private garage building or in a rear yard of any lot in any district, so long as no living quarters are maintained and no business is practiced in such camper-trailer while it is so stored or parked.

SECTION 8 – COMMON OPEN SPACE REQUIREMENTS

Within developments where common open space is required or will be provided by a developer, the following requirements shall apply:

- 8.1 ***Access to common open space.*** Open space should be distributed throughout the development so that all lots within the development shall have either direct access or access from an improved public right-of-way or easement to such areas.
- 8.2 ***Minimum size of subdivision.*** No subdivision containing fewer than twenty-five (25) lots or units shall contain common open space lands, unless such common lands are deemed necessary by the Planning Commission.
- 8.3 ***Improvements prohibited from inclusion in common open space.*** Common open space shall not include driveways, private yards, parking areas, or utility easements, where the utilities within the easement would interfere with reasonable active or passive recreation uses. Sidewalks, playgrounds, and other outdoor recreational facilities, and ponds or lakes may be constructed within common open space lands, where adequate provisions are made for continued private maintenance of any such improvements.
- 8.4 ***Management agreement for control and maintenance of common areas.*** The City of Ashland shall bear no responsibility or liability for the maintenance, repair, or improvement of privately owned common open space lands. No lot or structure in a development containing common or shared open space shall be sold until a corporation, association, property owner's group or similar entity has been formed. Such corporation shall possess the right to assess all the properties with interests in the common areas and facilities in the entire development to meet the expense of such entity. The corporation also shall be vested with authority to control, and the duty to regularly maintain (either directly or by contract), all of said mutually owned features of the development. In addition, the homeowner's association bylaws or rules shall contain provisions authorizing the local government to maintain said open space at the association's expense and upon fifteen (15) days advance written notice, if the association has not properly maintained any or all open space entrusted to it. Such entity shall operate under recorded conditions, covenants, and restrictions that may include compulsory memberships of all owners of lots and/or dwelling units, and flexibility of assessments to meet the changing costs of maintenance, repairs, and services.

SECTION 9 – MOBILE FOOD VENDORS

- 9.1 ***Purpose of Regulations.*** Mobile food vendors have the right to sell and distribute goods and services throughout the community. However, the general public has a legitimate interest and concern in the proper placement, distribution, health, safety, maintenance, advertising, and regulation of mobile food vendors within the City. Each mobile food

vendor must have all required business licenses and city permits to sell and distribute goods and services and shall, to the extent required by applicable law, be inspected and approved by the Clay County Health Department.

9.2 ***Permitted Uses.*** Mobile food vendors, including mobile food trucks, concession carts, and concession trailers, shall be permitted to sell and distribute edible goods and beverages, including, but not limited to:

- A. prepackaged food, such as candy, beverages, and ice cream;
- B. prepared food including, but not limited to, hot dogs, deserts, and pizza; and
- C. on-site prepared food including, but not limited to, ice, sandwiches, and tacos.

9.3 ***Permit/License Requirements.***

- A. Each mobile food vendor shall have all licenses required by law, including a municipal business license issued by the City.
- B. Every permit or license required by law, including those from the Clay County Health Department, shall be displayed at all times in a conspicuous place where it can be read by the general public on the mobile food vendor's vehicle, concession cart, or trailer.

9.4 ***Zoning and Location Regulations.*** Mobile food vendors shall be permitted in any zoning district, subject to the following limitations:

- A. No Mobile Food Vendor shall be located within one hundred (100) feet of the primary entrance or exit of an open and operating fixed-location food establishment.
 - 1. **Special Event Exception:** This restriction shall not be applicable during any special event open to the public, the duration of which does not exceed three (3) consecutive days; provided, however, that during such special events, no Mobile Food Vendor may locate in any area that may restrict or impede ingress and egress to and from the primary entrance and exit and any emergency exit of any open and operating fixed-location food establishment.
- B. No Mobile Food Vendor shall be located within five (5) feet of another Mobile Food Vendor.
- C. No Mobile Food Vendor shall locate on any private property without the written permission of the property owner and must comply if asked to leave by the property owner. A copy of the written permission to operate on a specific location, signed by the property owner, shall be kept within the mobile vending unit at all times.

9.5 ***Mobile Food Vendor Requirements.***

- A. Each Mobile Food Vendor shall be equipped with a portable trash receptacle and shall be responsible for proper disposal of solid waste and wastewater. All disturbed areas must be cleaned following each stop. Cleanup may be supervised and inspected by the Clay County Health Department to assure protocol.
- B. No Mobile Food Vendor shall violate the City’s noise ordinance.
- C. A five (5) foot clear space must be maintained around the vending unit.
- D. The vending unit may be subject to inspection by the Clay County Health Department.
- E. No smoking is allowed within ten (10) feet of the vending unit and a “No Smoking” sign must be posted next to the order window or area.
- F. A tagged fire extinguisher shall be kept accessible as directed by the City of Ashland Fire Chief or his designee or as otherwise required by applicable laws.
- G. No Mobile Food Vendor may conduct sales operations between the hours of 10:00 PM and 7:00 AM on any day.

9.6 ***Exceptions.*** Any person selling from a vehicle, trailer, or temporary structure only non-refrigerated farm food products in an unrefined state shall be considered a Mobile Food Vendor, as defined by this Ordinance but shall be exempt from the requirements of this Mobile Food Vendor section.

SECTION 10 – OPEN AIR MARKETS

10.1 ***Purpose of Regulations.*** Communities may form establishments where the general public may buy and/or sell new or used merchandise for profit in a designated outdoor market area. However, the general public has a legitimate interest and concern in the proper placement, distribution, maintenance, and operations of such markets within the City.

10.2 ***Definition.*** See Article II, Section 2.85

10.3 ***Permitted Uses.***

- A. Advertising and display of new or used merchandise and miscellaneous items for sale to the general public without the requirement of a permanent business establishment, permit, and business license, located in a designated outdoor market area.

10.4 ***Zoning and Location Regulations.***

- A. Open air markets shall only be permitted in the B-2, City Square District, AG:

Agricultural District, and IND: General Industry District; provided, however, that open air markets shall also be permitted in the B-1: General Business District as a conditional use subject to the approval of the Planning Commission as provided in Article VI, Section 3.

- B. No open air market shall be located less than one hundred (100) feet from property zoned R-1: Single Family Residential, R-2: Multi-family Residential, or R-MH: Manufactured Home District.

10.5 ***Dimensional Requirements.***

- A. Parking shall be provided at the rate of one (1) space per fifty (50) square feet of sales area, as designated on an approved plan.
- B. A twenty (20) foot wide buffer area with landscaping shall be provided (See Article II, Section 2) along all lot lines.

10.6 ***Open Air Market Requirements.***

- A. Stall operators wishing to sell or give away animals must have a regular stall rented and must comply with all State, County, and local laws and regulations. Animals may not be given away or sold in any of the common areas, parking lots, or entrances/exits, etc. Dogs must remain on leashes and other animals such as cats, birds, reptiles, and amphibians, must remain in cages on premises.
- B. Sale and distribution of food and beverage items, cooked or uncooked, shall be addressed through the Mobile Food Vendor section of this Ordinance. No alcohol is allowed on the premises.
- C. Only propane or electric heaters shall be allowed. Stall operators with a heating source must secure a working fire extinguisher in a clearly open and accessible location at their stall.
- D. Stall operators are expected to conduct business between themselves, as well as with the public, in a professional, respectful manner. Shirts and pants are required when on the premises.
- E. The market shall not maintain open business between the hours of 10:00 PM and 5:00 AM on any day.

SECTION 11 – AIRPORTS

11.1 ***Purpose of Regulations.*** Private and commercial airports provide a valuable transportation option to their respective communities, providing faster and more efficient access to the City than other modes of transport. However, airports require development regulations so as to preserve and protect the health, safety, welfare of the general public.

11.2 ***Definitions.*** Terms used in this section shall be defined as the following:

- A. **Primary Surface.** A surface two-hundred and fifty (250) feet wide longitudinally centered on the runway and extending two-hundred (200) feet beyond the pavement at each end of the runway. For the purposes of this Ordinance, the elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
- B. **Airport Clear Zone (approach surface).** A non-instrument approach surface located at each end of the runway at the Ashland/Lineville Airport and extending outward and upward from each end of the primary surface at a slope of one (1) foot in height for each twenty (20) feet in horizontal distance. The clear zone is longitudinally centered on the extended runway centerline and extends outward and upward from the end of the primary surface. The clear zone has a width of two-hundred and fifty (250) feet at a distance of two hundred (200) feet beyond the end of the runway and expands uniformly to a width of four hundred and fifty (450) feet at a horizontal distance of one thousand two hundred (1,200) feet from the end of the runway. The Airport Clear Zone shall be as depicted on the Zoning Map.

11.3 **Use Restrictions.** In reference to the airport, no use may be made of land or water within the Airport Clear Zone established by this ordinance that:

- A. Creates electrical interference with navigational signals or radio communication between the airport and aircraft;
- B. Makes it difficult for pilots to distinguish between airport lights and others;
- C. Results in glare in the eyes of pilots using the airport;
- D. Impairs the visibility in the vicinity of the airport;
- E. Creates bird strike hazards; or
- F. Otherwise, in any way, endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use or using the airport.

11.4 **Height Restrictions.** Height restrictions within the Airport Clear Zone. No structure or tree shall be erected, altered, allowed to grow or be maintained within the Airport Clear Zone to a height that would interfere with the safe landing and takeoff of aircraft to and from the airport.

SECTION 12 – JUNKYARDS

12.1 **Junkyards.** Junkyards shall be permitted only in the General Industrial District as a conditional use subject to the approval of the Planning Commission and the requirements set forth below.

- A. **Screening Requirement.** Junkyards shall be entirely screened from surrounding

views by a continuous fence or wall of masonry, wood, or other opaque material, other screen that is eight (8) or more feet in height without openings of any type, except for one entrance and/or one exit, neither of which shall exceed twenty-five (25) feet in width.

1. **Gates.** Gates at the entrance or exit shall be of a material without openings.
2. **Consistency.** The screen shall be constructed of the same type of material throughout.
3. **Maintenance.** Screens and gates shall be maintained and in good repair at all times.

B. Storage of Materials.

1. Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
2. In no case shall material that is not salvageable be buried or used as fill.
3. Any items, which can be recycled or salvaged, shall be accumulated in bins or containers to be sold to a recycling firm.
4. Recyclable material, which cannot be stored in bins or containers, may be stored in the open.
5. Junkyard operators shall be responsible for compliance with all applicable federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site.

C. Presumption of Junkyard. For the purposes of this Ordinance, any lot containing two (2) or more unregistered or inoperable motor vehicles for a period exceeding thirty (30) consecutive days shall constitute prima-facie evidence of a junkyard.

ARTICLE V

ZONING DISTRICT REQUIREMENTS

SECTION 1 - ESTABLISHMENT OF ZONING DISTRICTS

For the purpose of this Ordinance, the City of Ashland is hereby divided into the type of districts designated as follows:

1.1 Regular Districts

- AG: Agricultural District
- R-1: Single Family Residential District
- R-2: Multi-Family Residential District
- R-MH: Manufactured Home District
- B-1: General Business District
- B-2: City Square Commercial District
- IND: General Industry District

1.2 Special Districts

- FH: Flood Hazard District
- ACZ: Airport Clear Zone

SECTION 2 - ZONING DISTRICT BOUNDARIES

The boundaries of the various zoning districts are hereby established as shown on the Zoning Map, which is incorporated herein by reference. The Zoning Map includes a base map that identifies the location of the regular districts and an overlay to the base map that depicts the boundaries of the special districts. Official copies of the Zoning Map shall be on file in the Office of the City Clerk.

SECTION 3 - INTERPRETATION OF ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 3.1 Where boundaries are indicated as approximately following the limits of a municipal corporation or any property line, such lines shall be construed to be such boundaries.
- 3.2 Where boundaries are indicated as approximately following streets, alleys, rights-of-way, or railroads, such boundaries shall be construed to follow the center lines of such streets, alleys, rights-of-way, or railroads.
- 3.3 Where boundaries are indicated as approximately following shorelines of any lake, such boundaries shall be construed to follow the mean high waterlines of such lake. In the event of a change in the mean high waterline, the boundaries shall be construed as moving with the actual mean high waterline.

- 3.4 Where boundaries are indicated as approximately following streams, rivers, or other perennial water courses, such boundaries shall be construed to follow the centerline of such waterways as determined by thread, or channel centerline, of such watercourses taken at mean low water. In the event of a natural change in the location of such waterways, the district boundary shall be construed as moving with the thread, or channel centerline, of such watercourses.
- 3.5 Where boundaries are indicated as being separate from but approximately parallel to any features listed in Subparagraphs 3.1 through 3.4 of this Section, such boundaries shall be construed as being parallel to and at such distances therefrom as shown on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
- 3.6 In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundary, unless same is indicated by dimensions, shall be determined by use of the scale appearing on the Zoning Map.
- 3.7 In case any further uncertainty exists, the Board of Adjustment shall determine the location of boundaries. The Board of Adjustment may also cause to be prepared sectional maps of any part of the City that will interpret the exact location of the district boundaries, following the guidelines contained in the preceding paragraphs.

SECTION 4 - INTERPRETATION OF USES

Where doubt exists as to whether a new or previously unclassified use is similar in nature to the permitted uses identified in this Ordinance, the Board of Adjustment shall approve or deny the location of the unclassified use in question. In making such a determination, the Board of Adjustment shall decide such questions as are involved in determining whether a special exception should be granted and ensure that special exceptions are granted only when they conform to the spirit and intent of this Ordinance. However, in no instance shall the Board of Adjustment interpret a proposed use as being permitted in one district, when the use is more similar in impact and characteristics to a use that is permitted exclusively in another district.

- 4.1 ***Determination by Board of Adjustment.*** In reviewing requests for special exceptions, the Board shall follow the language of this Ordinance exactly and, prior to granting a special exception, make certain that all applicable conditions and requirements in this Ordinance have been met. To the extent a proposed unclassified use is compatible with the existing zoning district intent and all applicable conditions and requirements in this Ordinance have been satisfied, the unclassified use shall be permitted by special exception upon approval of and subject to the additional conditions, if any, set by the Board of Adjustment. Such conditions of approval shall be established to prevent undue impacts of the use on surrounding uses and shall be limited to:
 - A. special setback requirements;
 - B. special buffer or fencing requirements;

- C. special lighting requirements to prevent excessive glare on neighboring properties;
 - D. special parking requirements;
 - E. special landscaping requirements;
 - F. special limitations on signage;
 - G. special limitations on traffic access points to the property; and
 - H. special stormwater management requirements.
- 4.2 ***Rezoning required.*** If the unclassified use is deemed to be incompatible with the existing zoning district intent, the Code Enforcement Officer shall recommend the most appropriate district classification and shall require the applicant to seek rezoning of the property in question, before the proposed use can be conducted on the property.
- 4.3 ***Amendment of permitted uses.*** Following the final action on the unclassified use, the Planning Commission is permitted, but not required, to initiate an amendment to this Ordinance to add the unclassified use to the list of permitted uses in the appropriate zoning district(s).

SECTION 5 – AG: AGRICULTURAL DISTRICT

- 5.1 ***District Intent.*** The purpose of this district shall be to provide opportunities for commercial agriculture, forestry, and other land-intensive, natural resource-based industries to continue as the City grows and expands. The district also provides for a mix of low intensity residential and commercial uses that contribute to the rural economy and maintain the mix of uses that are characteristic of rural areas and newly developing suburban neighborhoods. Low density and intensity¹ development patterns are preferred in this district due to the limited infrastructure available to support intensive development and the need to conserve productive soils from excessive erosion from storm-water runoff and competition from developed uses.
- 5.2 ***Permitted Uses.*** The following identifies the uses permitted in the Agricultural Zoning District.
- A. Single-family dwellings.
 - B. Accessory residential dwelling units in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
 - C. Group Homes, subject to the standards established in Article IV, Section 2 of this Ordinance.

¹ Intensity refers to comparing the impact of a proposed development with adjacent land uses and zoning districts by evaluating characteristics such as the number of dwelling units per acre and amount of site coverage.

- D. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- E. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.
- F. Cottage industries, subject to the standards established in Article IV, Section 4 of this Ordinance.
- G. Agricultural, dairying, and livestock raising, provided that the subject lot contains not less than five (5) acres of land, and all buildings used for housing fowl or animals, storing grain or feed, or processing products shall not be located closer than one hundred (100) feet to any property line.
- H. Sale of products and commodities raised on the premises only.
- I. Non-commercial agriculture, poultry, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than three (3) acres of land, and all related accessory buildings are located in the rear yard and not closer than one hundred (100) feet to any property line.
- J. Riding stables and academies, provided that the subject lot contains not less than five (5) acres of land, and any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than one hundred (100) feet to any property line.
- K. Public or private schools, including pre-schools, childcare centers, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four (4) feet.
- L. Publicly owned and operated community structures and lands, including parks.
- M. Public utilities, structures, and lands and semi-public uses.
- N. Public or private fishing clubs, gun clubs, and other similar outdoor recreational activities, provided that such activities shall be conducted at least two hundred (200) feet from any property line and the discharge of any firearms shall be directed away from any established residential uses.
- O. Athletic fields or stadiums, racetracks and speedways, and other recreational areas for public use, including swimming pools, and similar recreational uses, provided that such activities are located at least one hundred (100) feet from any property line.
- P. Driving ranges and public or private golf courses.

- Q. Churches and other similar places of worship.
- R. Cemeteries.
- S. Boat docks and boat houses, as accessory uses to a residential use.
- T. Bed and Breakfast Inns.
- U. Residential Care Facilities and Domiciliary Care Facilities.
- V. Greenhouses and nurseries.
- W. Temporary or portable sawmills for the cutting of timber on the surrounding land, provided that machine operations shall not be located closer than two hundred (200) feet from any property line.
- X. Veterinary Clinics, Commercial Kennels, and the raising of other domestic animals for sale, provided that no portion of a building, structure, outdoor run, or pens used to house or exercise such animals shall be located closer than one hundred (100) feet from any property line.
- Y. Boarding and Rooming Houses.
- Z. Campgrounds and RV parks.
- AA. Manufactured homes, used only for residential purposes, occupying individual lots.
- AB. Broadcasting stations.
- AC. Aircraft landing fields, hangers, and related structures.
- AD. Open air markets.

5.3 *Dimensional Requirements:*

- A. **Minimum Lot Size:** 5 acres for all lots. Lots not served by municipal sewer shall contain at least 5 acres, plus any additional area deemed necessary by the Clay County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Lot Width:** Three hundred (300) feet.
- C. **Minimum Front Yard Setback:** Forty (40) feet from the edge of the right-of-way line; provided, however, that no structure used for the housing of livestock, horses, fowl, other farm animals, the storage of grain and feed, and processing agricultural products shall be located within one hundred (100) feet of any property

line or line of a district other than an agriculture district. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance and Article V, Section 5.2.

- D. **Minimum Side Yard Setbacks:** Fifteen (15) feet; provided, however, that no structure used for the housing of livestock, horses, fowl, or other farm animals, the storage of grain and feed, and process agricultural products shall be located within one hundred (100) feet of any property line or line of a district other than an agriculture district. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance and Article V, Section 5.2.
- E. **Minimum Rear Yard Setback:** Forty-five (45) feet; provided, however, that no structure used for the housing of livestock, horses, fowl, other farm animals, the storage of grain and feed, and processing agricultural products shall be located within one hundred (100) feet of any property line or line of a district other than an agriculture district. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance and Article V, Section 5.2.
- F. **Maximum Structure Height:** Sixty-five (65) feet or two and one half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- G. **Maximum Impervious Surface Area:**
 - 1. For all lots under three (3) acres in size, not more than eight percent (8%) of the total lot area.
 - 2. For all lots between three (3) and five (5) acres in size, not more than seven percent (7%) of the total lot area.
 - 3. For all lots greater than five (5) acres in size, not more than six percent (6%) of the total lot area.

5.4 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** Eight hundred (800) square feet.
- B. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential or commercial utility service.

SECTION 6 - R-1: SINGLE FAMILY RESIDENTIAL DISTRICT

- 6.1 ***District Intent.*** This zoning district is intended to preserve and protect the character of low density, high amenity, single-family residential areas, subdivisions, and neighborhoods. Suburban development in this area should be supported by municipal infrastructure and services. The R-1 district also allows for accessory and institutional uses commonly associated with small-scale residential neighborhoods.
- 6.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-1: Single Family Residential District.
- A. Single-family dwellings, excluding manufactured homes, which shall be prohibited in the R-1: Single Family Residential District.
 - B. Accessory residential dwelling units in single family dwellings only and in compliance with all requirements specified in Article IV, Section 6 of this Ordinance.
 - C. Group homes, subject to the standards established in Article IV, Section 2 of this Ordinance.
 - D. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
 - E. Home occupations, subject to the standards established in Article IV, Section 4 of this Ordinance.
 - F. Non-commercial agriculture, horse, and livestock raising as an accessory use to a one family dwelling for the principal benefit of the occupant thereof, provided that the subject lot contains not less than three (3) acres of land, and all related accessory buildings are located in the rear yard and not closer than fifty (50) feet to any property line.
 - G. Public utility structures and lands, provided that there is no outside storage area and a natural or landscaped buffer not less than twenty (20) feet in width is provided for the side and rear yards.
 - H. Churches and other similar places of worship.
 - I. Boat docks and boat houses, as accessory uses to a residential use.
 - J. Bed and Breakfast Inns and Boarding and Rooming Houses.
- 6.3 ***Permitted Uses Pending Planning Commission Approval.*** The following uses in the R-1: Single Family Residential District shall be permitted pending Planning Commission approval following a public hearing as provided in Article VI, Section 3 of this Ordinance.

- A. Public or private schools, including pre-schools, childcare centers, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet.
- B. Cemeteries
- C. Public or private golf courses, country clubs, swim clubs, tennis clubs, lodges, and the like.
- D. Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.
- E. Semi-public uses.
- F. Riding stables and academies, provided that the subject lot contains not less than three (3) acres of land, and any structure, pen, or corral housing animals (but not including grazing areas) shall not be closer than fifty (50) feet to any property line.

6.4 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Seven thousand two hundred (7,200) square feet for lots served by municipal sewer. Lots not served by municipal sewer shall contain at least fifteen thousand (15,000) square feet, plus any additional area deemed necessary by the Clay County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Lot Width:** Sixty (60) feet with public sewer. One hundred (100) feet without public sewer.
- C. **Minimum Front Yard Setback:** Forty (40) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. **Minimum Side Yard Setbacks:** Fifteen (15) feet. An additional setback may be required under the conditions specified in Article III, Section 7 and Article V, Section 6.2 of this Ordinance.
- E. **Minimum Rear Yard Setback:** Forty-five (45) feet. An additional setback may be required under the conditions specified in Article III, Section 7 and Article V, Section 6.2 of this Ordinance.
- F. **Maximum Structure Height:** Thirty-five (35) feet or two and one half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

- G. **Maximum Impervious Surface Area:** Twenty-five percent (25%).
- H. **Curb Cut Access:** Access to single-family residential lots shall allow for the placement of one (1) curb cut for lots with less than seventy-five (75) feet of street frontages. Lots with seventy-five feet of street frontage or more are permitted a total of two (2) curb cuts. Maximum width of curb cuts for single-family residential lots shall not exceed twenty-five (25) feet or twenty-five (25) percent of the lot width, whichever is less. This shall not prohibit the construction of a turn-around area, provided that such area does not exceed twenty-five (25) feet in width.

6.5 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** Nine hundred-sixty (960) square feet.
- B. **Minimum exterior width of dwelling:** Twenty (20) feet.
- C. **Landscaping:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.
- D. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service.

SECTION 7 – R-2: MULTI - FAMILY RESIDENTIAL DISTRICT

- 7.1 ***District Intent.*** The intent of this district is to provide a broadest range of residential options and land use intensity, with multi-family housing in close proximity to commercial districts and places of employment. The district also allows institutional and accessory uses common to residential neighborhoods.
- 7.2 ***Permitted Uses.*** The following identifies the uses permitted in the R-2: Multi-family residential district.
 - A. All uses permitted in the R-1: Single-family Residential District.
 - B. Two-family or duplex dwelling units.
 - C. Multi-family dwelling units.
- 7.3 ***Permitted Uses Pending Planning Commission Approval.*** The following uses in the R-2: Multi-Family Residential District shall be permitted pending Planning Commission approval following a public hearing as provided in Article VI, Section 3 of this Ordinance.

- A. Public or private schools, including pre-schools, childcare centers, and kindergartens, provided that any play area is enclosed on all sides by a fence to a height of at least four feet.
- B. Cemeteries.
- C. Public or private golf courses, country clubs, swim clubs, tennis clubs, lodges, and the like.
- D. Public parks, playgrounds, community buildings, and similar public service facilities serving residential areas.
- E. Adult day care centers.
- F. Semi-public uses.

7.4 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** Seven Thousand Two Hundred (7,200) square feet for the first dwelling unit, plus two thousand (2,000) square feet for each additional dwelling unit. Lots not served by municipal sewer shall contain such additional area as may be deemed necessary by the Clay County Health Department for proper siting and installation of on-site sewage disposal facilities.
- B. **Minimum Development Site Size (*for multi-family dwellings*):** Twenty-five thousand (25,000) square feet.
- C. **Minimum Lot Width:** One hundred (100) feet.
- D. **Maximum Density (*for multi-family dwellings*):** Seventeen (17) dwelling units per acre rounded down to the nearest whole unit.
- E. **Minimum Front Yard Setback:** Thirty-five (35) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- F. **Minimum Side Yard Setbacks:** Ten (10) feet. An additional setback may be required under the conditions specified in Article III, Section 7 and/or Article V, Section 6.2 of this Ordinance.
- G. **Minimum Rear Yard Setback:** Forty (40) feet. An additional setback may be required under the conditions specified in Article III, Section 7 and/or Article V, Section 6.2 of this Ordinance.

- H. **Minimum Separation Distance Between all Buildings on a single lot:** Ten (10) feet.
- I. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Thirtypercent (30%).
- J. **Maximum Structure Height:** Thirty-five (35) feet or two and a half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.
- K. **Curb Cut Access:** Access to multi-family residential lots shall allow for the placement of one (1) curb cut for lots with less than seventy-five (75) feet of street frontages. Lots with seventy-five feet of street frontage or more are permitted a total of two (2) curb cuts. Maximum width of curb cuts for multi-family residential lots shall not exceed thirty (30) feet, excluding the necessary turning radius.

7.5 ***Minimum standards for all dwellings.***

- A. **Minimum Dwelling Unit Gross Floor Area:** Eight hundred fifty (850) square feet for all single-family dwellings and seven hundred fifty (750) square feet per unit for all other dwelling structures.
- B. **Minimum exterior width of dwelling:** Fourteen (14) feet.
- C. **Landscaping:** All dwelling sites shall be landscaped in a manner consistent with other adjoining residential home sites in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.
- D. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of the dwelling. No temporary service poles shall be used for permanent residential utility service.

SECTION 8 – R-MH: MANUFACTURED HOME DISTRICT

- 8.1 ***District Intent.*** The purpose of this district is to provide quality manufactured housing as an affordable housing option, where a manufactured housing unit is placed on a single lot or in a manufactured home park and served by municipal water and sewer.
- 8.2 ***Permitted Uses for Dwelling Units on Single Lots.*** The following identifies the uses permitted in the R-MH: Manufactured Home District for manufactured homes situated on single lots.
 - A. All uses permitted in the R-1: Single-family Residential Zoning District.

- B. Manufactured homes, as defined in Article II, Section 2, and subject to the minimum standards specified in Article IV, Section 3 of this Ordinance.

8.3 ***Permitted Uses pending Planning Commission Approval.*** The following identifies the uses permitted in the R-MH: Manufactured Home District pending special approval from the Planning Commission following a public hearing as provided in Article VI, Section 3 of this Ordinance.

- A. Schools, public and private.
- B. Public or private golf courses, country clubs, swim clubs, tennis clubs, lodges, and similar uses.
- C. Adult day care centers.
- D. Public or private pre-schools, child care centers, and kindergartens.
- E. Cemeteries.
- F. Public parks, playgrounds, community buildings, and other public recreational facilities serving residential areas.
- G. Semi-public uses.
- H. Manufactured Home Parks and related accessory uses, subject to the conditions and requirements set forth in Article V, Sections 8.5 through 8.9.

8.4 ***Dimensional Requirements for Manufactured Housing Units on Single Lots.***

- A. **Minimum Lot Size:** Seven Thousand Two Hundred (7,200) square feet.
- B. **Minimum Lot Width:** Forty (40) feet.
- C. **Minimum Front Yard Setback:**
 - 1. Twenty (20) feet from the edge of the right-of-way line of any street that does not provide through traffic access to more than one street.
 - 2. Forty (40) feet from the edge of the right-of-way line of any local street that provides through traffic access to more than one street. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
 - 3. For any lot with frontage along a street classified as an arterial or collector in the Comprehensive Plan, all structures shall be set back at least forty-five (45) feet from the right-of-way line.

- D. **Minimum Side and Rear Yards Setback:** No principal structure shall be located less than fifteen (15) feet from any lot line. An additional setback may be required under the conditions specified in Article III, Section 7 and/or Article V, Section 6.2 of this Ordinance.
- E. **Minimum Frontage for Each Manufactured Home Space or Lot:** Forty (40) feet for any lot or space adjacent to a street, except that the minimum frontage shall be reduced to Thirty (30) feet for any lot or space adjoining the turn-about at the end of a permanent cul-de-sac.
- F. **Maximum Height:** Two and one-half (2 ½) stories or thirty-five (35) feet.

8.5 ***Manufactured Home Parks.*** Section 8.5 through Section 8.9 of this Article shall guide the development of mobile home parks in order to provide a clean, safe, and healthy living environment for residents living therein. The Planning Commission may, in districts permitting manufactured home parks, approve proposed mobile home parks that comply with the minimum specifications in Sections 8.5 through 8.8 of this Article; provided, however, that the submission to the Planning Commission of an application for a conditional use permit and a site plan meeting the requirements herein shall be required for the approval of a manufactured home park.

8.6 ***Specifications for Manufactured Home Parks.***

- A. **Minimum Development Site Size:** Five (5) acres.
- B. **Maximum Density.** The maximum density shall be four (4) manufactured homes per acre.
- C. **Minimum Manufactured Home Space or Lot Size:** Seven Thousand Two Hundred (7,200) square feet.
- D. **Minimum Manufactured Home Space or Lot Width:** Forty (40) feet.
- E. **Minimum Front Yard Setback:**
 - 1. Twenty (20) feet from the edge of the right-of-way line of any street within the manufactured home park that does not provide through traffic access to more than one external street.
 - 2. Forty (40) feet from the edge of the right-of-way line of any street that provides through traffic access to more than one external street. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.

3. For any lot with frontage along a street classified as an arterial or collector in the Comprehensive Plan, all structures shall be set back at least forty-five (45) feet from the right-of-way line.
- F. **Minimum Side Yard Setback:** No principal structure within the park shall be located less than fifteen (15) feet from any lot line or ten (10) feet of any line of another manufactured home space.
- G. **Minimum Frontage for Each Manufactured Home Space or Lot:** Forty (40) feet for any lot or manufactured space adjacent to an internal or external street, except that the minimum frontage shall be reduced to thirty (30) feet for any lot or space adjoining the turn-about at the end of a permanent cul-de-sac.
- H. **Minimum Separation Distance Between all Structures:**
1. All residential manufactured homes within the park shall be separated by not less than fifteen (15) feet between opposing unit sides (which shall be the longest exterior walls of the manufactured home) and not less than ten (10) feet between opposing unit ends (which shall be the shortest exterior walls of the manufactured home).
 2. Accessory structures for any residential manufactured home within the park shall be sited not less than ten (10) feet from any other structure, nor less than five (5) feet from any lot line or any line of another manufactured home space.
 3. All other buildings and structures within the park (office, laundry facility, non-manufactured home residence) shall be at located not less than thirty (30) feet from any other principal structure.
- I. **Minimum Buffer along all Exterior Boundaries of the Manufactured Home Park:** Thirty (30) feet along any Single-Family Zoning District (R-1 and R-2) boundary and twenty (20) feet along all other boundaries of the Manufactured Home Park. A landscaped strip within each buffer area of not less than eight (8) feet wide shall be provided along the manufactured home park boundary lines that do not abut a public street. This landscaped strip shall be improved to serve as a year-round visual screen, greenbelt, or a planting strip composed of deciduous or evergreen shrubs. Said shrubs shall be not less than four (4) feet tall when planted and shall be maintained in such a manner as not to exceed a height of twelve (12) feet.
- J. **Maximum Percentage of Development Site Covered by Impervious Surfaces:** Forty percent (40%).

- K. **Maximum Percentage of Manufactured Home Space Covered by Impervious Surfaces:** Fifty percent (50%)
- L. **Maximum Structure Height:** Thirty-five (35) feet or two and one-half (2.5) stories for all structures that are not exempt from height requirements, as specified in Article III, Section 3.1 of this Ordinance.

8.7 ***Site Development Requirements.*** In addition to the Dimensional Requirements listed in Section 8.6 above and the applicable Manufactured Home standards contained in Article IV, Section 3 of this Ordinance, each Manufactured Home Park shall comply with the following requirements.

- A. ***Municipal Water and Sewer.*** Each manufactured home space in a Manufactured Home Park shall be served by municipal water and sewer. Except as may be otherwise provided by law, each manufactured home space shall be provided with a cold water tap at least four (4) inches above the ground or slab and with a trapper sewer connection to the municipal sewer system that is at least four (4) inches in diameter.
- B. ***Grading.*** The proposed park shall be located on a site graded and improved to insure proper drainage and freedom from standing water.
- C. ***Paving and Lighting.*** All driveways and walkways within the park shall be paved or have a gravel surface and adequately lighted.
- D. ***Electrical Connection.*** Each manufactured home space or lot shall be provided with an individual electrical service of adequate size to serve the manufactured home located thereon. The service shall be mounted on a treated pole or metal pedestal. Wiring from the service to the manufactured home shall be of a direct burial type, properly sized for service being connected, and buried from the service to beneath the manufactured home. In no event shall a primary service line be located above a manufactured home.
- E. ***Patios and Pads.*** Each lot or manufactured home space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of one hundred fifty (150) square feet, and one gravel or better home pad of size equal thereto or greater than the dimensions of the manufactured home to be located thereon, but in no case less than ten (10) by forty (40) feet.
- F. ***Identification.*** Each manufactured home lot or space shall be plainly staked off or marked, and each manufactured home shall be permanently numbered with minimum 2.5" numbers and/or letters capable of being easily read from the street. Lot numbers and street names may require approval regulatory approval by emergency management authorities.

- G. ***Allowable Accessory Uses.*** The accessory uses, structures, and buildings identified below shall be permitted in manufactured home parks provided they comply with the requirements herein.
1. Clubhouse, laundry, swimming pool, and other shared facilities, including recreational sites and facilities, for the common use of the park's residents.
 2. One (1) single-family residence of traditional construction (i.e., stick built), at least eight hundred (800) square feet in total floor area, for the exclusive use of the park's owner(s), caretaker(s), or manager(s) and the immediate family member(s) of the person occupying the dwelling unit.
 3. Office, maintenance, and storage buildings incidental to the operation of the park.
 4. Accessory structures and storage buildings on individual manufactured home spaces or lots; provided, however, that no more than one (1) accessory storage building shall be located upon each manufactured home lot or space, which shall be used for storage purposes only and have a maximum area of one hundred fifty (150) square feet.
 5. Home occupations, subject to the standards established in Article III, Section 4 of this Ordinance.
- H. ***Common Open Space.*** There shall be set aside a recreational area or areas, within the manufactured home park, which shall be suitably restricted to such use. The size of the recreational area shall be compatible with the size and density of the manufactured home park.
- I. ***Floodplain.*** No portion of a manufactured home park site located within a 100-year floodplain shall be improved for residential use.
- J. ***Garbage Containers.*** Each manufactured home park shall provide adequate on-site containers for the collection of household garbage generated by the park's residents. All garbage containers shall be placed and kept within three- or four-sided enclosures with walls at least four (4) feet high to provide proper screening of the containers. Private dumpster services shall be provided for refuse collection if City services are not provided and be easily accessible to the park's residents. Bulk waste containers shall be provided at an average of at least one and one-half (1.5) cubic yards for every three (3) manufactured homes, and dumpster sites shall be screened from public rights-of-way.
- K. ***Sidewalks.*** All manufactured home parks designed to accommodate fifty (50) or more manufactured homes shall provide a sidewalk along at least one side of each internal street. Otherwise, sidewalks shall be permitted but not required.

- L. ***Street Access and Specifications.*** All lots and/or spaces dedicated for manufactured homes within a manufactured home park shall possess frontage on a paved internal or external street that is or was constructed and maintained in accordance with applicable City standards to ensure safe and convenient access to the lot or manufactured home space. All roads within the park shall be paved, have a road surface of at least twenty-two (22) feet in width, and be owned and maintained by the developer or owner of the park.
 - M. ***Fire Hydrants.*** Every park shall be equipped at all times with fire hydrant equipment in good working order, of such type, size, and number and so located within the park as to satisfy all applicable federal, state, and local laws and regulations. At a minimum, fire hydrants shall be placed within the manufactured home park so that no manufactured home is more than one thousand (1000) feet away from the nearest hydrant. No open fires shall be permitted at any place that may endanger life or property, and no fire shall be left unattended at any time.
 - N. ***Staging Development.*** Manufactured homes may be installed within an approved manufactured home park only after at least fifty percent (50%) of the lots or manufactured home spaces therein have been completely developed. This section shall in no way be construed to prevent incremental development of manufactured home park sites, provided the entire development plan is first approved by the Planning Commission and the manufactured home park site is developed in increments of not less than two and one-half (2.5) acres.
 - O. ***Additions.*** No permanent additions of any kind shall be built onto, or become a part of, any manufactured home within a manufactured home park; provided, however, that this provision shall not be construed to prohibit the addition to a manufactured home a patio cover or carport cover if the same is not permanently attached to the ground. Such patio covers or carport covers shall be similar in appearance and design to the manufactured home.
 - P. ***Parking.*** Each manufactured home lot in a manufactured home park shall have not less than two (2) off-street parking spaces. A manufactured home space that fronts along a private road that does not provide through-traffic service shall not be required to provide off-street space for vehicle turn around without backing into the street.
 - Q. ***Certificate of Occupancy.*** No manufactured home shall be occupied, nor shall any residential utility service be authorized, until the Code Enforcement Officer has issued a Certificate of Occupancy for the manufactured home.
- 8.8 ***Manufactured Home Park Site Plan.*** A manufactured home park site plan and an application for a conditional use permit shall be submitted to the Planning Commission for review and approval prior to the issuance of a Zoning Permit by the Code Enforcement Officer. The Site Plan shall be drawn to scale and shall contain or include the information identified in this subsection and any additional information required by this Ordinance,

including the information identified in Article IV, Section 3. The Planning Commission shall review and approve or deny a proposed Manufactured Home Site Plan only at a public hearing as provided in Article VI, Section 3 of this Ordinance. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site plan.

- A. A site location map; the proposed name of the manufactured home park; the name, address, and telephone number of the developer, owner, and plan preparer, a north arrow; a scale; the acreage of the proposed site; and a legend containing an explanation of all symbols used on the site plan.
- B. The location of each manufactured home space or lot, consecutively numbered or lettered, and the dimensions thereof.
- C. Driveways and parking spaces, with dimensions.
- D. Proposed office, maintenance, and storage buildings incidental to the operation of the park.
- E. The location of proposed common use facilities, including, but not limited to, clubhouses, laundry, swimming pools, and recreational sites, and all proposed accessory structures or uses.
- F. All existing buildings and structures.
- G. The location of all existing and proposed rights-of-way, streets, utility lines, fire hydrants, garbage containers, dumpsters, and other infrastructure improvements.
- H. The location and boundaries of all required buffers and common open spaces.
- I. The location of all floodplains on the site, if any.
- J. Proposed water distribution system, including fire hydrant location, and proposed sanitary sewer system, including size, and proposed street lighting.
- K. Any other information that the Planning Commission may from time to time deem reasonably necessary in connection with its review of a proposed manufactured site plan.

SECTION 9 – B-1: GENERAL BUSINESS DISTRICT

- 9.1 ***District Intent.*** This district is designed for small scale, low impact commercial businesses, offices, and service operations that primarily serve residents in a small neighborhood setting.

9.2 **Permitted Uses.** The following identifies the uses permitted in the B-1: General Business Zoning District.

- A. *Retail establishments customarily serving residential neighborhoods*, such as: pharmacies or drug stores, grocery markets, clothing/apparel stores, gift shops, jewelry stores, greeting card shops, book stores, music stores, consignment shops, newsstands, toy stores, fish and tackle shops, sporting goods stores, craft and hobby shops, florist shops, video stores, furniture stores, hardware stores, and other similar establishments.
- B. *Personal or professional service establishments, and businesses repairing and servicing small equipment*, such as: barber shops and salons, photocopiers or print shops, laundry and dry cleaning services, including coin-operated laundromats, tailors, shoe repair shops, electronic or small appliance repair shops, photography studios, camera shops, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry and watch repair shops, and other similar establishments.
- C. *Professional offices* such as: banks, with or without drive-through services, doctor's offices, dentist's offices, accounting and tax preparation services, real estate offices, attorney's offices, investment offices, consulting offices, and other similar establishments.
- D. *Dine-in or carry-out restaurants*, such as: cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, fast food businesses, steak houses, and other similar dining or food establishments.
- E. *Family entertainment and cultural uses* such as: video arcades, dance studios, art studios, martial arts studios, and other similar establishments that cater to children and families (not adults exclusively) and that do not serve or offer alcoholic beverages for sale.
- F. Lounges or Nightclubs, public and private.
- G. Public and private educational institutions and associated accessory uses.
- H. Churches and cemeteries.
- I. Public and semi-public institutions and offices.
- J. Bed and breakfast inns.
- K. *Loft, efficiency, and studio apartments*, provided that all of the following requirements are satisfied:

1. said residential uses are located above the first floor of a multi-story commercial use building;
 2. appropriate soundproofing or sound attenuation measures have been or will be installed to limit noise impacts that may be generated by ground floor commercial uses;
 3. adequate off-street parking for all proposed dwelling units is provided in the rear yard of the lot;
 4. a separate building entrance is available for the proposed apartments;
 5. all exterior apartment windows and doors are secured by appropriate locks or security devices;
 6. adequate fire escape ladders or other devices are provided for each dwelling unit; hard-wired fire alarms and sprinkler systems are provided on all floors of the building; and the lower floor commercial uses in the building shall generally not operate between the hours of 8:00 p.m. and 7:00 a.m.
- L. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- M. Adult day care centers.
- N. Group homes, subject to the standards established in Article IV, Section 2 of this Ordinance.
- O. Automobile filling and service stations; convenience stores; gasoline service station; body shop; service stations; and vehicle repair garages, including painting, body repair, parts fabrication, and engine rebuilding.
- P. Garden centers, greenhouses, and nurseries.
- Q. Funeral homes and mortuaries.
- R. Boarding and Rooming Houses.
- S. Educational, training, health, medical, or nursing uses of public, charitable, or philanthropic nature, including rest homes and sanitariums.
- T. Hospitals (all hospitals, regardless of district, may include a commercial cafeteria and/or a commercial pharmacy), medical clinics, doctors' and dentists' offices, laboratories, including research and testing laboratories, sanitariums, nursing homes, and ambulance services.

- U. Nursery schools, childcare centers, public and private schools.
- V. Animal hospitals, veterinary clinics, and kennels; provided that all animals are kept within suitably designed, soundproofed, and air-conditioned buildings.
- W. Hotels and motels.

9.3 ***Permitted Uses Pending Planning Commission Approval.*** The following uses in the B-1: General Business District shall be permitted pending Planning Commission approval following a public hearing as provided in Article VI, Section 3 of this Ordinance.

- A. Off-premises advertising signs and billboards.
- B. Outdoor entertainment and recreation such as driving ranges, miniature golf, drive-in theaters, commercial sports arenas, racetracks, and amphitheaters.
- C. Car washes.
- D. Vehicle repair garages, excluding painting, body repair, parts fabrication, and engine rebuilding.
- E. Mini warehouses.
- F. Open air markets.
- G. Single Family Dwellings.

9.4 ***Dimensional Requirements:***

- A. **Minimum Front Yard Setback:** Twenty-five (25) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- B. **Minimum Rear Yard Setback:** Twenty (20) feet. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- C. **Minimum Side Yard Setback:** Not specified except when a side yard is used, shall not be less than eight (8) feet abutting a non-residential district and for a side yard abutting a residential district, not less than fifteen (15) feet. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. **Maximum Structure Height:** Forty-five (45) feet or three (3) stories.

- E. **Curb Cut Access:** Access to non-residential lots shall allow for the placement of one (1) curb cut for lots with less than seventy-five (75) feet of street frontages. Lots with seventy-five feet of street frontage and less than four-hundred (400) feet are permitted a total of two (2) curb cuts. Lots with four-hundred (400) feet or more street frontage are permitted a total of three (3) curb cuts provided a traffic impact analysis demonstrates the need and is approved by the Planning Commission. Maximum width of curb cuts for non-residential lots shall not exceed forty (40) feet, excluding the necessary turning radius.

9.5 ***Minimum standards for all Buildings.***

- A. **Minimum Building Unit Gross Floor Area:** Eight hundred fifty (850) square feet for all buildings.
- B. **Minimum exterior width of Building:** Fourteen (14) feet.
- C. **Landscaping:** All building sites shall be landscaped in a manner consistent with other adjoining lots in the area or neighborhood. At a minimum, ornamental shrubs shall be applied along the front yard foundation or skirting of each dwelling.
- D. **Utility Installation:** All electrical service meters shall be attached to the exterior wall of any building. No temporary service poles shall be used for permanent utility service.

SECTION 10 - B-2: CITY SQUARE COMMERCIAL DISTRICT

- 10.1 ***District Intent.*** The intent of this zoning district is to provide development opportunities for a mixture of general small to medium sized business establishments in the downtown core. The district is also designed to enhance the architecturally and historically unique character of the city square.
- 10.2 ***Permitted Uses.*** The following identifies the uses permitted in the B-2: City Square Commercial Zoning District.
 - A. All uses permitted in the B-1: General Business Zoning District.
 - B. Convention centers, which may include restaurants and/or gift shops and other retail sales.
 - C. Movie cinemas, auditoriums, and theaters, including drive-in theaters.
 - D. Restaurants, carry out or dine-in, that do not offer drive-through services. Notwithstanding anything to the contrary herein, restaurants that offer drive-through services shall be prohibited in the B-2: City Square Commercial District.

- E. The *manufacturing of articles sold at retail* shall be permitted as an accessory use to a retail business only, provided that such manufacturing activities occupy less than thirty (30) percent of the gross floor area and employs no more than four operators. All storage, service, or incidental manufacturing activities shall be conducted within a fully enclosed building on the property.
- F. *Building contractor's office*, except outside storage of heavy equipment, and building materials shall be prohibited.
- G. Open air markets.
- H. Public and private primary, elementary, or secondary educational institutions, and other associated uses.
- I. Public and private colleges and universities, trade schools, community colleges, business and technical schools, universities and other post-secondary educational training facilities. College dormitories and other associated accessory uses.
- J. Warehouses.

10.3 ***Dimensional Requirements:***

- A. **Minimum Front Yard Setback:** None specified, although a minimum setback may be required under the conditions specified in Article III, Section 7 of this Ordinance. Where a sidewalk exists along the front yard, the building storefront shall not be located more than fifty (50) feet away from the right-of-way line. Any buildings that will be constructed on a vacant lot between two pre-existing buildings shall not be located closer to or farther from the right-of-way line than the buildings on the contiguous side lots.
- B. **Minimum Side Yard Setbacks:** None required. In the event a side yard of a property adjoins a residential zoning district, a side yard buffer along the residential zoning district line shall be provided.
- C. **Minimum Rear Yard Setback:** None required. However, if the rear yard of a B-2 property adjoins a residential zoning district, a rear yard buffer along the residential zoning district line shall be provided.
- D. **Maximum Structure Height:** Sixty-five (65) feet.
- E. **Curb Cut Access:** Access to non-residential lots shall allow for the placement of one (1) curb cut for lots with less than seventy-five (75) feet of street frontage. Lots with seventy-five feet of street frontage and less than four hundred (400) feet are permitted a total of two (2) curb cuts. Lots with four hundred (400) feet or more street frontage are permitted a total of three (3) curb cuts provided a traffic impact

analysis demonstrates the need and is approved by the Planning Commission. Maximum width of curb cuts for non-residential lots shall not exceed forty (40) feet, excluding the necessary turning radius.

- F. **Design Review:** Where there is a substantial alteration of an existing structure or building facade or the development of a new building , site development and architectural plans for each alteration or development shall be submitted to the Planning Commission for action prior to the issuance of a building permit. The Planning Commission shall act to approve, with conditions, or disapprove the submitted plans based on the assessment of the plan’s contribution to the historical and design integrity of the city square.
- G. **Off-street Parking:** None required unless stipulated by the Planning Commission in the design review process.

SECTION 11 – IND: GENERAL INDUSTRIAL DISTRICT

- 11.1 **District Intent.** The General Industrial Zoning District provides for small-scale industries that manufacture goods and provide services which emit no detectible neighborhood nuisance and degradation to the natural environment beyond industry boundaries. The district also will provide opportunities for the development of limited commercial uses that are accessory and complementary to the associated primary industrial use. Heavy industrial uses may be permitted in accordance with Planning Commission review and approval.
- 11.2 **Permitted Uses.** The following identifies the uses permitted in the IND: General Industrial Zoning District.
 - A. *Any industrial enterprise engaged in a manufacturing, assembly, or processing activity* that does not produce discharges that require the issuance of a National Pollutant Discharge Elimination System (NPDES) major operating discharge permit and does not emit fumes, odors, or particulate matter into the air that constitute a public nuisance.
 - B. Repair and maintenance of vehicles including heavy trucks, construction equipment, farm implements, or painting, body repair, upholstery repair, parts fabrication, engine rebuilding, and body shops.
 - C. Indoor and outdoor gun clubs and shooting ranges, provided that all activities involving the discharge of firearms shall be conducted more than two hundred fifty (250) feet from any property line and directed away from any established residential uses.
 - D. Warehousing and storage facilities, including mini-warehouses.
 - E. Truck terminals and shipping facilities.

- F. Railroad yards.
- G. Lumber yards and mills.
- H. Fuel or building material storage and distribution facilities.
- I. Bottling plants.
- J. General manufacturing.
- K. Research and scientific laboratories.
- L. Retail sales of consumer goods and services, including restaurants.
- M. Gasoline service stations and convenience stores.
- N. Car washes.
- O. Nurseries.
- P. Offices.
- Q. Construction and maintenance services, such as building contractors, wholesale building supplies, janitorial services, exterminating services, landscape services, and similar uses.
- R. Wholesaling and distribution.
- S. Military installations, such as reserve or National Guard centers or armories.
- T. Open air markets.
- U. Meat and poultry processing, including slaughter-houses.

11.3 ***Permitted Uses Pending Planning Commission Approval.*** The following uses in the IND: General Industry Zoning District shall be permitted pending Planning Commission approval. In addition, the Planning Commission shall conduct a public hearing in accordance with Article VI, Section 3 of this Ordinance.

- A. Sanitary landfills.
- B. Junkyards.
- C. Off-premise advertising signs and billboards.

- D. Quarries, borrow pits, sand and gravel operations, gas extraction, and other mining operations.
- E. Residences for watchman, custodian, manager, or business owner.
- F. Storage or manufacturing involving flammable or explosive materials or involving potentially hazardous or commonly recognized offensive conditions.

11.4 ***Dimensional Requirements:***

- A. **Minimum Lot Size:** None required. However, it is the intent of the Ordinance that industrial lots of sufficient size provide adequate parking and loading space in addition to the space required for normal operations.
- B. **Minimum Lot Width:** One Hundred (100) feet.
- C. **Minimum Front Yard Setback:** Twenty (20) feet from the edge of the right-of-way line. An additional setback may be required under the conditions specified in Article III, Section 7 of this Ordinance.
- D. **Minimum Side and Rear Yard Setback:** Twenty-five (25) feet from all adjoining property lines and an additional twenty (20) feet from any property line that abuts a residential zoning district. Any required buffers along residential zoning districts shall be improved and maintained as a vegetated buffer to provide an effective year-round visual screen between the commercial use and the neighboring residential areas.
- E. **Maximum Percentage of Lot Covered by Impervious Surfaces:** Fifty (50) percent.
- F. **Maximum Structure Height:** Fifty (60) feet. 5 stories.
- G. **Curb Cut Access:** Access to non-residential lots shall allow for the placement of one (1) curb cut for lots with less than seventy-five (75) feet of street frontage. Lots with seventy-five feet of street frontage and less than four-hundred (400) feet are permitted a total of two (2) curb cuts. Lots with four-hundred (400) feet or more street frontage are permitted a total of three (3) curb cuts provided a traffic impact analysis demonstrates the need and is approved by the Planning Commission. Maximum width of curb cuts for non-residential lots shall not exceed forty (40) feet, excluding the necessary turning radius.

ARTICLE VI

ADMINISTRATIVE AND ENFORCEMENT GUIDELINES

SECTION 1 - GENERAL ADMINISTRATION

- 1.1 ***Administration and Enforcement.*** The provisions of this Ordinance shall be administered and enforced by a sworn Law Enforcement Officer who shall be appointed by City Council to serve as the Code Enforcement Officer. This official shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his duties in the administration and enforcement of this Ordinance.
- 1.2 ***Invalid Permits.***
- A. No zoning permit, building permit, certificate of occupancy, or business license, or any other permit or license shall be issued by any City department, official, or employee except in full compliance with this Ordinance.
 - B. Any permit or license issued by any City department, official, or employee, where issued in conflict with or violation of any terms of this Ordinance or other applicable codes or ordinances, shall hereby be declared null and void.

SECTION 2 – ZONING APPROVAL & BUILDING/USE PERMITS

- 2.1 ***Permit Required.***
- A. ***Building Permit.*** No building or other structure shall be constructed, erected, moved, extended, enlarged, or otherwise structurally altered, whether in whole or in part, unless and until the Code Enforcement Officer has issued a building permit for such work. The Code Enforcement Officer shall not issue a building permit unless the plans, specifications, and intended use conforms in all respects to the provisions of this Ordinance. Application for a building permit shall be made to the Code Enforcement Officer on forms provided for that purpose, and a validly issued building permit shall generally serve as both a building and zoning permit for the approved use, subject to the conditions as may be set forth therein, if any.
 - 1. ***Expiration of Building Permit.*** A building permit shall, upon the expiration of six (6) months from the date of issuance, automatically expire in the event construction has not commenced. A permit shall also expire upon (a) the sale or other transfer of the property to anyone other than the person for whom the permit was issued or (b) any change in the contractor employed for the project at the time the permit was issued. Any expired permit may be reissued, and such reissued permit shall be subject to the provisions of this Ordinance and all amendments hereto in effect at the time of reissuance.
 - B. ***Zoning Permit/Approval.*** It shall be unlawful to establish a new or additional use

or expand or enlarge an existing use unless and until the Code Enforcement Officer issues a valid zoning permit approving such use or the enlargement or expansion thereof. The Code Enforcement Officer shall not issue a zoning permit unless the plans, specifications, and intended use conforms in all respect to the provisions of this ordinance. Applications for a zoning permit shall be made on the same form as the building permit application and a separate zoning permit application shall not be required if the applicant is seeking a building permit.

2.2 **Zoning/Building Permit Approval.** The Code Enforcement Officer shall not issue a permit for any proposed use or development activity until an application and all required plans and/or specifications demonstrating conformance with the provisions of this Ordinance have been filed.

2.3 **Permit Approval Process.** Each application for a building permit or zoning approval shall be filed on the written form available from the City, and include all required supporting information.

A. **Required Supporting Information.** The following information must be filed contemporaneously with each application for zoning approval:

1. address and legal description of the subject property;
2. name, address, and telephone number of the property owner(s) and applicant(s);
3. a description of the use(s) to be established or expanded;
4. an accurate dimensioned drawing of the subject property depicting the location of (a) buildings and structures, both existing and proposed; (b) lot areas to be used; (c) parking areas, including lighting and landscaping as required; (d) water supply facilities; and (e) sewage disposal facilities; and
5. any additional information the Code Enforcement Officer may, in his discretion, deem necessary to determine whether the proposed project or use complies with this Ordinance.

B. **Issuance of Permit.** If the proposed use, or enlargement thereof, or construction, alteration, or other development activity conforms with the provisions of this Ordinance and other City codes, the Code Enforcement Officer shall issue a zoning or building permit, as the case may be. The issuance of a permit shall, in no case, be construed as waiving any provision of this Ordinance.

C. **Denial of Approval.** If the application is rejected, the Code Enforcement Officer shall state in writing on the application the reason for rejection.

2.4 ***Certificate of Occupancy.***

- A. ***Certificate Required.*** No building, or any part thereof, hereafter constructed, moved, or altered, whether physically or in use, shall be occupied until the Code Enforcement Officer has issued a certificate of zoning occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance.

- B. ***Inspection Process.*** Within three (3) regular business days after the owner or his agent has notified the Code Enforcement Officer that the subject premises, building, or any part thereof is ready for occupancy or use, the Code Enforcement Officer shall make final inspection of the site. Not more than three (3) business days following the inspection, the Code Enforcement Officer shall issue a certificate of occupancy if the premises, building, or part thereof so inspected is found to conform with the provisions of this Ordinance.

- C. ***Approval or Denial.*** Not more than three (3) business days following the inspection, the Code Enforcement Officer shall issue a certificate of occupancy if the premises, building, or part thereof so inspected is found to conform with the provisions of this Ordinance. If a certificate of occupancy is denied, the Code Enforcement Officer shall notify the applicant in writing the reason for the denial not more than three (3) business days after the date on which the inspection occurred.

SECTION 3 – CONDITIONAL USE APPROVAL PROCESS

3.1 ***Applicability.*** This Section shall apply to any use designated in the Ordinance as conditional and subject to the approval of the Planning Commission. However, this section does not apply to conditional uses that are identified herein as special exceptions permitted on appeal to the Board of Adjustment.

3.2 ***Generally.*** Applications for a conditional use permit shall be submitted and approved prior to an application for a building permit. A subdivision plat or site plan shall be submitted in support of each application for conditional use in all districts.

3.3 ***Application.*** The application for conditional use shall be made in writing and on a form available from the Code Enforcement Officer and shall be filed with the Code Enforcement Officer simultaneously with all other items required herein. The application shall be accompanied by the following information and materials:

- A. name, signature, and address of the property owner and agent of the property owner, if any;

- B. address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the subject property;

- C. present zoning and land use of the subject property;
- D. reason(s) for the application for approval of a conditional use;
- E. a site plan, drawn to scale and dimensioned, showing the size and location of the property boundaries, public rights-of-way, the proposed development layout and conditional use, and other information required by this Ordinance, including the information in Article V, Section 8.8 in the event the proposed conditional use is a manufactured home park; and
- F. a certified check, payable to the City of Ashland in the amount of \$50.

3.4 **Planning Commission Action.** The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements set forth in this Article VI, Section 3.

A. **Notice of Hearing.** Prior to considering a proposed conditional use, the Planning Commission shall give notice of the hearing to adjoining property owners via certified mail not less than ten (10) days prior to the date of the hearing and to the public by posting notice as required herein.

1. **Posting of Notice.** Not less than six (6) days prior to the Planning Commission's hearing, the Planning Commission shall post or cause to be posted a notice of hearing, which shall identify the subject property and the proposed conditional use and state the time and place of the hearing. The notice shall also state that all persons who desire shall have an opportunity to be heard during the hearing, whether in favor of or opposition to the proposed conditional use.

B. **Planning Commission Review.** The Planning Commission shall consider the proposal in terms of existing zoning and land use in the vicinity of the proposed use; planned and proposed public and private developments that may be affected by the proposed use; whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Ordinance; any other development policies/regulations of the City; whether and to what extent possible measures have been taken to maximize the beneficial effects and/or minimize the potential adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

1. **Scope of Review.** The Planning Commission shall deny the application if it finds the adverse impacts of the proposed use, despite any mitigating conditions that might be imposed by the Planning Commission, outweigh the public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare. Otherwise, the Planning Commission may, by majority vote, recommend the approval of

the conditional use subject to such conditions and restrictions recommended by the Planning Commission, if any, as provided in subsection 2, below.

2. ***Conditions and Restrictions.*** The Planning Commission may, in order to prevent or minimize adverse effects on other properties and on the general health, safety, and welfare of the City, impose such restrictions and conditions on approval of the proposed use as it determines are required by the general purposes, goals, and objectives of this Ordinance. All conditions imposed upon any conditional use permit, except those that are otherwise stated in this Ordinance, shall be expressly set forth in the resolution granting such conditional use permits.
 3. ***Approval or Denial.*** The Planning Commission shall deny or grant, either with or without restrictions and conditions, the application within thirty (30) days of its hearing. The failure of the Planning Commission to act within this time period shall constitute a denial of the application.
- C. ***Applicant Steps Following Denial.*** If an application is denied or granted subject to restrictions and conditions with which the applicant is not willing to comply, the applicant may file with the Planning Commission a petition to amend the Ordinance pursuant to Article VIII, below.
- D. ***Applicant Steps Following Approval.*** In the event a permit for a conditional use is approved or approved subject to additional conditions and restrictions not set forth in this Ordinance, the applicant shall file with the Code Enforcement Officer an application for a building permit or zoning approval pursuant to Article VI, Section 2 hereof and submit in support thereof a site plan meeting all conditions of approval, if any, in addition to all other required other information and documentation, including the permit application fee.

SECTION 4 - TEMPORARY LAND USES

- 4.1 ***Generally.*** Temporary uses and structures are permitted only as expressly provided in this Section. Except as may be otherwise provided herein, no temporary use or structure shall be established unless a zoning permit evidencing compliance of such use with the applicable provisions of this Ordinance shall have first been issued as provided in Article VI, Section 2 hereof. Application for a temporary land shall be made on the same form used for standard building/zoning permits.
- 4.2 ***General Regulations.*** Unless otherwise excluded from the application of Article VI, Section 3, each temporary use and structure, including, but not limited to, any circus, tent meeting, whether religious, political, or otherwise, and events of public interest having in excess of five hundred attendees over the course of the event shall be prohibited in absence of compliance with the requirements below.

- A. The event sponsor, if not the property owner, shall obtain from the property owner written authorization to locate such temporary use or structure on the subject property.
- B. The event sponsor shall comply with all applicable State, federal, and local laws and regulations and must provide such temporary sanitation facilities, if any, that may be deemed necessary by the Clay County Health Department or other state or local agencies or officials.
- C. The event sponsor shall not install permanent lighting or structures without first obtaining electrical and building permits.
- D. All uses and hours of operation shall be confined to the dates and times specified in the temporary use permit or, if exempt from the permit requirement, the duration of the temporary use shall last no more than forty-five (45) consecutive days and permitted hours of operation shall be 9:00 am to 11:00 pm.
- E. The event sponsor shall clear the subject site of all debris as soon as practical following the end of the event and clear the subject site of all temporary structures within seven (7) days after the last day of the event.

4.3 ***Exempt Temporary Uses and Structures.*** The temporary uses identified below shall be subject to the standards set forth in Subsection 3.2 but shall be exempt from the temporary permit requirement so long as the duration of such use does not exceed the specified exemption period, if any.

- A. County or municipal fairs not exceeding twenty-one (21) consecutive days nor more than forty-five (45) calendar days in any consecutive twelve (12) month period;
- B. Christmas tree lots not exceeding forty-five (45) consecutive days;
- C. Sale of farm produce; and
- D. Temporary shelters in the case of natural disasters, not exceeding a period of up to one (1) year.

4.4 ***Excluded Temporary Uses and Structures.*** Any temporary use or structure that is customarily incidental and subordinate to, and ordinarily found in association with any permitted use or structure located on the subject property, including non-conforming uses and structures that were lawfully created or constructed, shall be excluded from the requirements of Article VI, Section 3 provided that such accessory uses and structures are permitted in the district in which the subject property is located.

SECTION 5 - PENALTIES FOR VIOLATION

It shall be unlawful for any structure to be erected, constructed, altered, repaired, converted, or maintained, or for any structure or land to be used, whether in whole or in part, in violation of any provision of this Ordinance or any amendment hereto.

- 5.1 ***Procedures.*** Prior to commencing criminal prosecution, the Code Enforcement Officer is permitted, but not required, to send to the property owner(s) via certified mail, return receipt requested, written notice of the violation, identifying the rule or regulation being violated and notifying said person to cease, desist, and cure such violation or otherwise be prosecuted as provided herein. In the event such notice is sent, the deadline for curing the violation shall be established by the Code Enforcement Officer with due consideration and respect for the nature of the violation, the amount of work necessary to cure, and the need for an expeditious to prevent undue public impacts, but in no instance shall the deadline be less than fifteen (15) nor more than thirty (30) days from the date the notice was mailed. The notice shall state the property owner may schedule a meeting with the Code Enforcement Officer within seven (7) days to discuss objections to the violation or to propose a plan to cure the violation in the event the violation cannot be cured by the specified deadline due to circumstances beyond the property owner's control. In the event the property owner(s) fail(s) to cure the violation(s) on or before the date set forth in the notice or such other date as may be agreed by the property owner(s) and the Code Enforcement Officer, the Code Enforcement Officer shall issue a citation to the property owner for the violation of this Ordinance. Nothing herein, however, shall be construed as imposing upon the Code Enforcement Officer an obligation to provide a property owner or owners an opportunity to cure prior to issuing a citation.
- 5.2 ***Penalties.*** Any person found guilty of violating any provision of this Ordinance shall be fined upon conviction not more than Five Hundred Dollars (\$500.00), imprisoned in the county or municipal jail for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.
- 5.3 ***Other Remedies.*** In the event any structure is erected, demolished, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Code Enforcement Officer, any other appropriate authority or official, or any property owner affected by such violation may, in addition to any other right or remedy, take any and all other lawful actions and seek any other remedy or remedies as may now or hereafter be available by law or equity to redress such violation(s), including, without limitation, instituting proceedings seeking injunctive relief or mandamus.

SECTION 6 – FEES

- 6.1 ***Fees.*** The City Council may, from time to time, modify or reduce the fees set forth herein or establish new or additional fees for any of the proceedings, permits, and/or applications required by this Ordinance or any amendment hereof, and may do so by virtue of a resolution, formally amending this ordinance, or adopting a separate municipal ordinance.

The fees and charges specified by the Council shall be non-refundable and shall not be conditioned upon or related to the action taken with respect to the application.

ARTICLE VII BOARD OF ADJUSTMENT

SECTION 1 - CREATION

A Board of Adjustment is hereby established. The appointment, procedure, powers, and action of said Board of Adjustment shall be governed and controlled by Title 11, Chapter 52, Article 4, Section 80, Code of Alabama 1975, as amended.

SECTION 2 - COMPOSITION AND APPOINTMENT

The Board of Adjustment (“Board”) shall consist of five members, each to be appointed for a term of three years, except in the first instance as provided by law. In addition, two supernumerary members shall be appointed to serve on the Board at the call of the Chairman in the absence of regular members. Such supernumerary members shall be appointed to serve three-year terms and shall be eligible for reappointment. Appointed members may be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose seat becomes vacant.

SECTION 3 - PROCEDURES OF THE BOARD OF ADJUSTMENT

- 3.1 **Bylaws.** The Board of Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the Chairman and at such other time as the Board may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses. All meetings shall be opened to the public.
- 3.2 **Records.** The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep the records of its examination and other official actions, all of which shall be of public record and be immediately filed in the office of the City Clerk.

SECTION 4 - APPEALS TO THE BOARD OF ADJUSTMENT

Appeals to the Board may be filed by any person aggrieved, or by any officer, department, board, or bureau of the City, affected by any decision of the enforcing officer. Such appeal shall proceed as established by § 11-52-80, Code of Alabama (1975), as amended, and by the rules of the Board. All appeals shall be submitted within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall transmit forthwith to the Board all papers constituting the record upon which the action appealed was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after receiving the notice of appeal, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. After such certification, the proceedings shall be stayed only by a restraining order

granted by the Board or a court of competent jurisdiction for due cause on application of notice to the officer from whom the appeal is taken.

SECTION 5 - POWERS AND DUTIES OF THE BOARD OF ADJUSTMENT

5.1 ***Administrative Review.*** To hear and decide appeals where it is alleged there is error in order, requirement, decision, or determination made by the enforcing officer in the enforcement of this Ordinance.

5.2 ***Special Exceptions.*** To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under this Ordinance. In approving a use allowed by special exception, the Board of Adjustment may impose any of the following special conditions as may be reasonable and necessary, based on specific findings of fact, to mitigate potential negative impacts of the special exception use on neighboring permitted uses in the neighborhood or zoning district.

- A. Special setback requirements (to alleviate potential use conflicts, to provide safe isolation distances, or to facilitate traffic access and mobility);
- B. Special buffer, landscaping, or fencing requirements (to screen potentially conflicting uses);
- C. Special lighting or light shielding requirements (to prevent excessive glare on neighboring properties);
- D. Special access (ingress and egress) and parking requirements (to address special traffic or parking needs);
- E. Special limitations on signage (to enhance or soften the appearance of the proposed use);
- F. Special limitations on traffic access points to the property (to prevent traffic congestion and promote proper traffic circulation);
- G. Special restrictions on operating hours (to reduce potential use conflicts);
- H. Special soundproofing requirements (to prevent potential noise impacts); and
- I. Special stormwater management requirements (to prevent excessive flooding or erosion impacts and/or to protect affected water resources).

5.3 ***Variances.***

- A. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in

unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a written application for a variance is submitted demonstrating all of the following:

1. that special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district;
 2. that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district;
 3. that special conditions and circumstances do not result from the actions of the applicants or the legal owners of the property; and
 4. that granting the variance requested will not confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- B. No variance may be granted for a use of land or building or structure that is not permitted by this Ordinance.
- C. In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

5.4 ***Decisions of the Board of Adjustment.*** In exercising the above-mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the enforcing officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the matter upon which it is required to pass under this Ordinance, or to affect any variation in the application of this Ordinance.

SECTION 6 - APPEALS FROM ACTIONS BY THE BOARD OF ADJUSTMENT

Any interested party who is aggrieved by any action or decision of the said Board of Adjustment may make an appeal therefrom as provided by law.

ARTICLE VIII AMENDMENTS

SECTION 1 - PROCEDURES

The regulations and the number, area, and boundaries of districts established by this Ordinance may be amended, supplemented, changed, modified, or repealed by the City Council, but no amendment shall be adopted unless it is first submitted to the City Planning Commission for its recommendation. The Planning Commission, upon its own initiative, shall hold public hearings, public notice of which shall be provided, for the consideration of any proposed amendment of this Ordinance and report its recommendations to the City Council. The provisions of Chapter 52 Section 78 of Title 11 of the 1975 Code of Alabama, as the same may be amended, shall apply to all amendments.

SECTION 2 - AUTHORIZED PETITIONERS

A petition for amendment of this Ordinance, including the alteration of the zoning district boundaries, may be initiated by the City Council, the Planning Commission, or a property owner or such owner's agent.

SECTION 3 - PETITION FOR AMENDMENT

A property owner or such owner's agent seeking an amendment of this Ordinance, including an application for rezoning, shall meet the application requirements of this Section.

- 3.1 The application for rezoning shall be made in writing and on a form available from the City Clerk or Code Enforcement Officer and shall be filed with the City Clerk or Code Enforcement Officer simultaneously with all other required items. The petition shall be accompanied by the following information and materials:
 - A. name, signature, and address of the property owner and agent of the property owner, if any;
 - B. address and legal description of the property under consideration, accompanied by a copy of the applicable tax maps clearly identifying the property subject to rezoning;
 - C. present and proposed zoning and land use of the property under consideration;
 - D. reason(s) for the rezoning request;
 - E. a site plan, drawn to scale and dimensioned, showing the size and location of the property boundaries, public rights-of-way, and the proposed use and development layout; and

- F. a certified check, payable to the City of Ashland in the amount of \$100.00 minimum (any additional cost above the minimum will be borne by the applicant).

SECTION 4 - PLANNING COMMISSION ACTION

- 4.1 ***Scheduling of hearing.*** The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the application and notice requirements of this Ordinance.
- 4.2 ***Notice of public hearing.*** Prior to considering a proposed amendment, including an application for rezoning, the Planning Commission shall give notice of the hearing by posting notice of the hearing as required herein.
 - A. ***Posting of Notice and Proposed Amendment:*** Not less than six (6) days prior to the Planning Commission's hearing, the Planning Commission shall post or cause to be posted the proposed zoning amendment, in full, in four (4) conspicuous places within the City. A notice shall accompany the posted amendment stating the time and place of the Planning Commission's hearing and also stating that all persons who desire shall have an opportunity to be heard in favor of or opposition to the proposed amendment during the hearing.
- 4.3 ***Planning Commission Recommendation.*** The Planning Commission shall, by majority vote, recommend approval or denial of the proposed amendment. The Planning Commission shall transmit to the City Council its report of its recommendation within forty-five (45) days of the hearing unless the City Council grants an extension at the request of the Planning Commission. Otherwise, the Planning Commission shall be deemed to have recommended the rejection of the proposed amendment.

SECTION 5 - CITY COUNCIL ACTION

- 5.1 ***Scheduling of public hearing.*** Upon receipt of the Planning Commission's recommendation, the City Council shall set the proposal for a public hearing during the next regularly scheduled City Council meeting that is scheduled for a date and time that will allow compliance with the notice requirements of this Ordinance.
- 5.2 ***Public hearing notice.*** Prior to holding a hearing on the proposed amendment, the City Council shall provide notice of the hearing as required by Section 11-55-77, Code of Alabama (1975), as amended, or such successor statute(s), if any, with which said statute may be from time to time replaced.
- 5.3 ***Approval or denial.*** After the public hearing, the City Council shall vote to approve or deny the amendment. In the event the City Council takes no final action upon the proposed amendment within one hundred and eighty (180) days after receipt of the Planning Commission's recommendation, the proposed amendment shall be deemed to have been rejected by the Council.

SECTION 6 - TIME LIMIT

After the City Council has considered a proposed amendment to the Zoning Ordinance, another application for rezoning of the same tract or parcel of land will not be considered until a period of one (1) year has elapsed from the date of such action by the City Council. Provided, however, that the City Council may, in its discretion, by majority vote, and without amendment of this Ordinance, shorten this period if an unusual situation or circumstance exists.

SECTION 7 - INITIAL ZONING OF ANNEXED PROPERTY

- 7.1 ***Automatic AG Zoning.*** Unless otherwise classified contemporaneously with annexation pursuant to this Section, any property hereafter annexed into the City of Ashland shall receive the AG Agricultural District designation.
- 7.2 ***Application for zoning.*** In the event any person(s) seeking annexation of property into the City of Ashland desires the property proposed for annexation to be zoned other than AG Agricultural District, the person(s) shall file an application for zoning of such property simultaneously with the petition for annexation. The application for zoning shall be made on a form available from the City Clerk and be filed simultaneously with the petition for annexation. The City Clerk shall transmit such petition and application to the Planning Commission, which shall hold a public hearing and give notice of such hearing in accordance with Section 4 of this Article.
- 7.3 ***Planning Commission action.*** The Planning Commission shall hold a public hearing at the first regularly scheduled meeting after compliance with the notice requirements of this Ordinance. The Planning Commission, by majority vote, shall report its recommendations to the City Council as to whether the property to be annexed should be brought into the City in the zoning district requested by the applicant or an alternative zoning district. The Planning Commission shall transmit to the City Council its report of its recommendation within forty-five (45) days of the hearing unless the City Council grants an extension at the request of the Planning Commission. Otherwise, the zoning classification requested by the applicant shall be deemed to have been recommended by the Planning Commission.
- 7.4 ***City Council action.*** Upon receipt of the recommendation of the Planning Commission, the City Council shall, after compliance with applicable notice requirements, hold a public hearing on the recommended zoning of the property to be annexed. Following such hearing, the City Council shall decide by majority vote to accept or reject the recommended zoning. If the recommended zoning is accepted, such property shall receive the approved zoning district designation contemporaneously with the annexation so long as the annexation occurs within 180 days of the commencement of annexation proceedings. If the recommended zoning is rejected, the City Council may revise the proposed zoning amendment and, after compliance with the notice requirements of Section 5.2 of this Article, hold another public hearing for the purpose of considering the revised proposal.

SECTION 8 - SPECULATIVE REZONINGS

The City of Ashland discourages the use of rezonings as a strategy to increase speculative land value, such as where the applicant has no actual or immediate intent to develop in accordance with the rezoning. Rezonings are intended to grant the applicant an opportunity to exercise appropriate alternative development options in situations where development in compliance with existing zoning is not possible or practicable, as long as the proposed uses are consistent with the Comprehensive Plan and the character of the surrounding area. The granting of this privilege by the City carries with it a good faith expectation that the proposed development will occur in a timely and deliberate manner. Therefore, when the City Council grants approval of a rezoning, the applicant should acquire a zoning permit or final plat approval (whichever is applicable) and commence construction activities in compliance with that permit or approval within one (1) year of the date upon which the rezoning is approved. If such actions have not been taken within the specified time frame, the Planning Commission may initiate actions to further rezone the subject property and/or to reinstate the original zoning classification.

ARTICLE IX LEGAL PROVISIONS

SECTION 1 - INTERPRETATION WITH OTHER ORDINANCES

Where other ordinances or regulations that may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances or regulations is mandatory. Whenever the requirements of this ordinance conflict or are in any way inconsistent with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern, unless otherwise specifically stated in this Ordinance. No zoning or plat approval shall be issued or considered valid for any use or activity that is or would otherwise be illegal under the terms of any applicable local, state, or federal Law. This Ordinance shall not lower the restrictions of plats, deeds, or private contracts, if such are greater than the provisions of this Ordinance.

SECTION 2 - REPEAL OF CONFLICTING ORDINANCES

All previously adopted zoning ordinances or parts of zoning ordinances that are in conflict with this Zoning Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 3 - SEVERABILITY

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not, in and of itself, invalid or unconstitutional.

SECTION 4 - VIOLATIONS AND PENALTIES

Any failure to comply with the applicable requirements of this Ordinance shall constitute a violation of these Regulations under Title 11, Chapter 52, Section 83 of the Code of Alabama, 1975, as amended. Any such violation shall be punishable by a fine of up to five hundred dollars (\$500.00) and or imprisonment of not more than six (6) months, as provided in accordance with Title 11, Chapter 45, Section 9 of the Code of Alabama, 1975, as amended. A violation may be cured in accordance with the administrative procedures outlined in Article VI, Section 4 of this Ordinance or in any another lawful manner now existing or hereafter provided by law.

SECTION 5 - RESTRICTIVE COVENANTS AND BYLAWS

A property owner may impose bylaws, covenants, and restrictions upon the owner's property. The City of Ashland and the Ashland Planning Commission is in not liable for and assumes no responsibility to approve, enforce, amend, or administer any duly adopted or recorded bylaws, covenants, and restrictions. Furthermore, advance knowledge by the City prior to Final Plat approval that any such bylaws, covenants, and restrictions will be imposed by the property owner

shall in no way constitute implied authority or responsibility to approve, enforce, amend, or administer any such covenants or restrictions.

SECTION 6 - EFFECTIVE DATE

This Ordinance shall take effect immediately upon its adoption and publication by the City Council, in accordance with Title 11, Chapter 45, Section 8 of the Code of Alabama, 1975, as amended.

**APPENDIX A
FORMS/NOTICES/APPLICATIONS/
AND PETITIONS**

CITY OF ASHLAND, ALABAMA
ZONING PERMIT APPLICATION

All property owners within the City of Ashland must apply for and receive a Zoning Permit before undertaking any construction activities, which shall include site preparation and excavation for the construction of new buildings (including accessory or temporary structures), moving any structures onto a property, relocating existing structures on a property, alteration or repair of a structure (excluding painting, interior remodeling, or any alteration or repair activity that will not change the character, size, or position of the structure as it exists on the property). The purpose of this permit process shall be to establish compliance with the Zoning Ordinance prior to the commencement of construction activities. The approval of a Zoning Permit Application by the Zoning Administrator shall not imply or constitute approval of any other applicable permit requirements including, but not limited to, subdivision plat approval, building permits, septic system approval from the Clay County Health Department, and wetland permits from the U.S. Army Corps of Engineers. To apply for a Zoning Permit, please complete the following application and return the form with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Ashland at (256) 354-2121 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

_____, _____

Business Hours Telephone #: (_____) _____ - _____

Fax # (If available): (_____) _____ - _____

Property Information:

Name of Owner(s), if different from above: _____

Street Address of Subject Property: _____

_____, _____

Tax Map & Lot Number of Property: _____

Size of Subject Property: _____ [] Acres [] Square Feet

Current Zoning Classification of Subject Property: _____

Does the Subject Property Contain any Existing Structures? [] Yes [] No

Was the Property (if vacant) or Existing Improvements created or constructed prior to the effective date of the Zoning Ordinance? [] Yes [] No

Project Information:

Do you propose to: (Please check all activities that apply to your project)

Construct a new building or accessory structure on the property?

Move a new or used structure onto the property?

Construct an addition to an existing building or accessory structure on the property?

Move or relocate an existing building or accessory structure to a new location on the subject property?

Replace or repair a building or accessory structure that was damaged or destroyed by fire or act of God?

Other activity (please explain): _____

Please attach one reproducible copy of a site plan showing the proposed project activities. The site plan must show the entire boundaries of the subject property and must be drawn to scale in ink, preferably by a licensed and certified or registered surveyor, architect, or engineer. For single family residential projects, the required site plan may be drawn to scale on a survey plat contained in a closing document or a copy of the tax map showing the subject property. In addition, the site plan must contain or show the following information as may be applicable to the subject property or project (please contact the Zoning Administrator if you have any question as to whether one or more of the items listed below must be included on your site plan):

A. A north arrow.

B. A scale bar.

C. The length in feet of all property lines.

D. The outline of all existing buildings or structures and any proposed buildings, structures, or building additions on the property in their proper locations. (New buildings or additions should be hatched.)

E. The shortest distance in feet from all property lines to the closest point on any existing building or accessory structure or proposed new construction on the property.

F. The minimum width in feet (between opposing property lines of the property).

G. The maximum height in feet of any proposed new structure or addition.

H. The location of any existing or proposed street access or curb cut.

I. The location of any existing streams, lakes, ponds, or rivers on the property.

J. The boundaries of any floodway or 100-year Flood Hazard Area on the property as identified on the applicable Flood Insurance Rate Map.

K. Any boundaries of the Alabama Power Flood Easement on the property.

L. The outline and location of any existing or proposed septic system and associated leachfield on the property.

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator to determine the compliance of the proposed property construction or improvement activities with the City of Ashland, Alabama Zoning Ordinance.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator to determine the compliance of the proposed property construction or improvement activities with the City of Ashland, Alabama Zoning Ordinance.

Date

Property Owner's Signature

----- FOR CITY OF ASHLAND USE ONLY -----

Zoning Administrator's Information:

Date Filed: _____

Received By: _____

Application Fee Received: \$ _____ [] Cash [] Check #

Residential Fee.....\$25.00

Commercial Fee.....\$50.00

Industrial Fee.....\$75.00

Date Reviewed: _____

Decision: [] *Application Approved* [] *Application Denied*

Zoning Administrator's Signature: _____

Zoning Administrator's Review Checklist (To be completed by Zoning Administrator Only):

Proposed Land Use: *Allowed in Zone* *Not Allowed (Rezoning Required)*

Lot Size/Area: *Complies/Grandfathered* *Too small (Variance Required)*

Lot Width: *Complies/Grandfathered* *Too small (Variance Required)*

Street Frontage: *Complies/Grandfathered* *Too small (Variance Required)*

Front Yard: *Complies/Grandfathered* *Too small (Variance Required)*

Side Yard: *Complies/Grandfathered* *Too small (Variance Required)*

Rear Yard: *Complies/Grandfathered* *Too small (Variance Required)*

Imperv. Surfaces: *Complies/Grandfathered* *Exceeds limits (Variance Needed)*

Building Height: *Complies/Grandfathered* *Too high (Variance Required)*

Special Requirements/Conditions (required buffers, setbacks, etc.):

Other Permits/Approvals Required:

Approval Conditions (if necessary):

Certificate of Zoning Compliance

The plans and specifications submitted with this Application are in conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate city officials.

Failure to comply with the above shall constitute a violation of the provisions of the City of Ashland Zoning Ordinance.

Permit issued this _____ day of _____, 20____.

Signature: _____
 Zoning Administrator

Temporary Certificate of Zoning Compliance

The plans and specifications submitted with this Application are in temporary conformity with the zone district requirements applicable to the subject property. Changes in plans or specifications shall not be made without written approval of the appropriate city officials.

Failure to comply with the above shall constitute a violation of the provisions of the City of Ashland Zoning Ordinance.

Permit issued this _____ day of _____, 20____.

Signature: _____
Zoning Administrator

**CITY OF ASHLAND ALABAMA
REZONING APPLICATION**

Property owners in the City of Ashland who wish to request a change in the zoning classification that applies to one or more specific properties must complete a Rezoning Application form. To apply for a rezoning, please complete the following application and return the form with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Ashland at (256) 354-2121 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: (_____) _____ - _____

Fax # (If available): (_____) _____ - _____

Property Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Tax Map & Lot Number of Property: _____

Size of Subject Property: _____ [] Acres [] Square Feet

Current Zoning Classification of Subject Property: _____

Proposed Zoning Classification of Subject Property: _____

Current Use of Subject Property: _____

Proposed Use of Subject Property: _____

Is the Subject Property Being Considered for Annexation? [] Yes [] No

Supporting Information:

Please submit the following items with the Rezoning Application form:

- A written request from the property owner stating the reasons for the rezoning.*
- A Certified Check or Cash payable to the City of Ashland in the amount of \$100.00.*
- Legal description of subject property.*
- A reproducible copy of the tax map, drawn to a scale sufficient to clearly show the following items:*
 1. *The actual shape, proportion, and dimensions of the lot(s) proposed to be rezoned;*
 2. *The shape, size, and location of all buildings or other structures existing on the lot; and*
 3. *The existing use of all existing buildings or structures.*
- A reproducible copy of a site plan.*
- Address(es) for each person who owns property that is adjacent to the subject property that is the subject of the application, including, but not limited to, the owners of property located across the street from the subject property.*

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator, Planning Commission, or City Council to determine the compliance of the proposed property construction or improvement activities with the City of Ashland, Alabama Zoning Ordinance.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that I have reviewed this application, and that, to the best of my knowledge and abilities, the information provided in this application is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator, Planning Commission, or City Council to determine the compliance of the proposed property construction or improvement activities with the City of Ashland, Alabama Zoning Ordinance.

Date

Property Owner's Signature

----- FOR CITY OF ASHLAND USE ONLY -----

Zoning Administrator's Information:

Date Filed: _____

Received By: _____

Application Fee Received: \$ _____ [] Cash [] Check # _____

Application Fee.....\$100.00

Date Reviewed: _____

Zoning Administrator's Signature: _____

Planning Commission Action: [] Recommend Approval
[] Recommend Denial

Planning Commission Findings:

Planning Commission Chairman's Signature: _____

CITY OF ASHLAND, ALABAMA

PETITION FOR VARIANCE

Property owners in the City of Ashland who desire relief from certain requirements of the zoning ordinance that create a specific hardship for the property owner must file a Petition for Variance. To file a petition, please complete the following form and return it with all necessary supporting documents to City Hall. Incomplete applications will not be processed. For additional information, please call the City of Ashland at (256) 354-2121 during regular business hours.

Applicant Information:

Name of Applicant: _____

Mailing Address: _____

Business Hours Telephone #: (_____) _____ - _____

Fax # (If available): (_____) _____ - _____

Property Information:

Owner(s) of Record: _____

Street Address of Subject Property: _____

Tax Map & Lot Number of Property: _____

Size of Subject Property: _____ [] Acres [] Square Feet

Current Zoning Classification of Subject Property: _____

Nature of the Hardship:

Nature of Relief Requested by Petitioner:

Certifications:

Applicant:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator or the Board of Adjustment to determine the need for a variance.

Date

Applicant's Signature

Property Owner:

I hereby certify and attest that, to the best of my knowledge and abilities, the information provided in this petition is true and accurate. Further, I agree to provide any additional information within my powers that may be required by the Zoning Administrator or the Board of Adjustment to determine the need for a variance.

Date

Property Owner's Signature

----- FOR CITY OF ASHLAND USE ONLY -----

Zoning Administrator's Information:

Date Filed: _____

Received By: _____

Amount of Fee Received: \$ _____ [] *Cash* [] *Check #* _____

Date Reviewed: _____

Decision: [] *Petition Approved* [] *Petition Denied*

Board of Adjustment Findings and Conclusions:

Specific Relief Granted:

Chairman's Signature: _____ *Date:* _____

**CITY OF ASHLAND ZONING
VIOLATION COMPLAINT**

Date of complaint: _____ Complaint received by: _____

Form of Complaint: _____ Citizen _____ Public Official _____ Inspector

Name of Person Filing Complaint: _____

Telephone: (____) _____ - _____

Nature of Complaint:

Location:

Probable violation of Article _____ Section _____, of the Ashland Zoning Ordinance, described as follows:

Referred for inspection to: _____

Date of inspection: _____

Inspection findings: _____

_____ Violation found _____ No violation found _____ Other

Initial action following discovery of violation:

Notice of Zoning Violation sent on: _____

_____ Other

Follow-up inspection due on: _____

Notes:

CITY OF ASHLAND

NOTICE OF ZONING VIOLATION

Date of notice: _____

Name of Property Owner
Mailing address
City, State, Zip

Dear (Name of property owner):

On (Date of investigation), I investigated and confirmed a violation of the Ashland Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. I am writing to request that you take action to correct this violation on or before (Specify date by which the violation must be corrected), in order to avoid the issuance of a formal citation and penalty.

If you feel that this notice has been issued in error or you feel that an extension to the deadline is necessary, please arrange a meeting with me on or before (Date – five business days after the date of notice). I will be happy to discuss this problem with you in greater detail.

Thank you for your help in addressing this problem. The City of Ashland appreciates your cooperation.

Sincerely,
Signature: _____
Zoning Administrator

Contact Information:
City Hall— 83183 Highway 9
Ashland, AL 36251
Phone: (256)354-2122
Hours of Operation: 8:00 AM – 4:30 PM M-F

CITY OF ASHLAND
NOTICE OF CITATION

Date of citation

Name of Property Owner
Mailing address
City, State, Zip

Dear (Name of property owner):

On (Date upon which initial violation was confirmed), I investigated and confirmed a violation of the Ashland Zoning Ordinance on your property located at (Street address of subject property). The nature of this violation is (Description of the violation _____), which violates Article (Cite article number), Section (Cite section and subparagraph number) of the Zoning Ordinance. Our records show that the Notice of Violation was sent to you on (Date that the notice was mailed) and received by you on (Date of receipt by property owner) explaining the nature of this violation and requesting that you correct the problem on or before (Deadline for correction of violation specified in the notice of zoning violation).

On (Dated of re-inspection), I performed a follow-up investigation to determine whether or not the violation had been corrected in accordance with the Notice of Zoning Violation. My inspection of the property revealed that the violation has not been corrected in accordance with the Zoning Ordinance. Therefore, the City of Ashland is hereby issuing this Citation to you for failure to correct a violation of the Zoning Ordinance. To correct this violation, you must (Specify corrective measures including the amount of the fine that must be paid by the property owner) on or before (Ten days after the date of citation). If this violation is not corrected in full by the aforementioned date, the City of Ashland will be obligated to file a written complaint with the Municipal Court for relief. If such a complaint is filed, you will be required to appear before the Municipal Court, at a time and date to be determined by the Court, to answer the charge of violation as explained in this Citation. If you have any questions regarding this violation or the subsequent actions that the City will take, please do not hesitate to contact me at (Specify contact number and/or e-mail address) during the hours of (Specify business hours).

We appreciate your efforts to resolve this violation as soon as possible. Thank you for your cooperation.

Sincerely,

Signature: _____
Enforcement Officer

Certificate of Occupancy

City of Ashland
Permit Department
83183 Highway 9.
Ashland, AL 36251

Permit Number: _____

Job Location

Permit Number: _____

Address: _____

Ashland, AL 36251

Survey:

Lot: _____ Block: _____

Owner/Occupant

Name: _____

Address: _____

Ashland, AL 36251

Phone: (____) ____ - _____

Contractor

Contractor ID: _____ Location: _____

Contractor: _____

Address:

Occupancy (Use)

Residential: Y/N Occupancy: _____ Improvement: _____

Signature

Date

Application for Planning Commission Review

Applicant Information

Name of Applicant: _____

Mailing Address: _____

Phone Number: (____) _____

Signature: _____ Date: _____

Parcel Information

Owner of Record: _____

Mailing Address: _____

Signature of Authorization: _____

Date: _____

Tax Map I.D. #: _____ Parcel Area: _____

Zoning of Parcel: _____

Present Land Use: _____

Proposed Land Use: _____

Enclosure Check List

____ Detailed statement describing the intended use of the parcel and the size of any proposed development.

____ Site Plan

____ Tax map showing the intended development

Notice: This application must be submitted to the City Clerk at least ten (10) days before a regularly scheduled Planning Commission meeting. The applicant must be present at the hearings before the Planning Commission.

APPENDIX B
RESOLUTION AND ORDINANCE

RESOLUTION NO. _____

A RESOLUTION RECOMMENDING THE ASHLAND CITY COUNCIL APPROVE AN ORDINANCE OF THE CITY OF ASHLAND, ALABAMA, ADOPTING THE ASHLAND ZONING ORDINANCE OF 2022, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS, INCLUDING THE ASHLAND ZONING ORDINANCE DATED JULY 15, 1991, AS AMENDED; AND RECOMMENDING AN EFFECTIVE DATE OF SAID ORDINANCE

WHEREAS, Title 11, Chapter 52 of the Code of Alabama, 1975, as amended, authorizes the City Council to enact a zoning ordinance to govern all territory within the corporate limits of the City of Ashland, Alabama;

WHEREAS, the City Council adopted a zoning ordinance on July 15, 1991 by virtue of Ordinance No. 1991-7-15-1, which was thereafter amended from time to time;

WHEREAS, the Planning Commission ordered the East Alabama Regional Planning and Development Commission to prepare under the Commission's direction a new zoning ordinance for the City of Ashland, Alabama to replace the 1991 ordinance, as amended; and

WHEREAS, the East Alabama Regional Planning and Development Commission prepared a new zoning ordinance, which has been reviewed and revised to the Planning Commission's satisfaction.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF ASHLAND, ALABAMA, AS FOLLOWS:

Section 1. That the Ashland Planning Commission recommends that a 2022 Zoning Ordinance for the City of Ashland, Alabama, entitled, the Ashland Zoning Ordinance, which is attached hereto and incorporated herein by reference, be adopted pursuant to the authority granted by Title 11, Chapter 52 of the Code of Alabama, 1975, as amended.

Section 2. That the Ashland Planning Commission recommends the 1991 Ashland Zoning Ordinance, adopted on July 15, 1991 by Ordinance No. 1991-7-15-1, as amended, be repealed.

Section 3. That the Ashland Planning Commission recommends the 2022 Zoning Ordinance become effective upon its due adoption and publication and due adoption and publication of the Ashland Zoning Map, which shall be bound and define the zoning districts established by the adoption and publication of the 2022 Zoning Ordinance, as provided by law.

ADOPTED on this the ____ day of _____, 2022

PLANNING COMMISSION OF THE CITY
OF ASHLAND, ALABAMA

BETH WHEELER, Chairman

ATTEST:

CHELSEY WYNN, Ashland City Clerk

AN ORDINANCE ADOPTING THE ASHLAND ZONING ORDINANCE OF 2022, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES AND MAPS, INCLUDING THE ASHLAND ZONING ORDINANCE DATED JULY 15, 1991, AS AMENDED; AND PROVIDING FOR AN EFFECTIVE DATE OF SAID ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF ASHLAND, ALABAMA AS FOLLOWS:

Section 1. That the Ashland Zoning Ordinance, attached hereto and incorporated herein by reference, shall be and hereby is adopted pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975, as amended.

Section 2. That the 1991 Ashland Zoning Ordinance, adopted on July 15, 1991 by Ordinance No. 1991-7-15-1, shall be and hereby is repealed to the extent necessary to give this Ordinance full force and effect.

Section 3. That this ordinance shall be effective upon its due adoption and publication and the due adoption and publication of the Ashland Zoning Map, which shall be bound and define the zoning districts established by this ordinance, as provided by law.

Adopted this the 02 day of May, 2022.

Approved this the 02 day of May, 2022.

CITY OF ASHLAND, ALABAMA

LARRY J. FETNER, its Mayor

ATTEST:

CHELSEY WYNN, Ashland City Clerk