

ORDINANCE NO. 2017-007

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ASHVILLE, ALABAMA

WHEREAS, on the 21st day of August, 2017, a public hearing was held by the City Council of the City of Ashville, Alabama, to consider an amendment to following portions of *Zoning Ordinance of the City of Ashville, Alabama* (the "Zoning Ordinance"): Article VIII, Section 80.00 "Single Family Residential Estate District (R-E)" within the Residential Districts of the Zoning Ordinance; Article VIII, Section 81.00 "Single Family Residential District (R-1)" within the Residential Districts of the Zoning Ordinance; Article VIII, Section 82.00 "Single Family Residential and Mobile Home District (R1-MH)" within the Residential Districts of the Zoning Ordinance; and

WHEREAS, the purpose of the amendment is to provide regulations related to the structures allowed in the applicable districts within the City of Ashville (the "City"); and

WHEREAS, the City has the legal right to take action to protect the general welfare of its citizens and to create districts within the corporate limits of the City and to regulate structures placed within said districts; and

WHEREAS, the amendment was recommended by the City of Ashville Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ashville, Alabama, as follows:

Section 1: That the Article VIII, Section 80.00 "Single Family Residential Estate District (R-E)" within the Residential Districts of the Zoning Ordinance be and is hereby amended to state as follows:

Section 80.00 SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT (R-E)

§ 80.01. R-E District Intent.

This district consists of areas suitable for single family residences on estate-size lots. The R-E District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

§ 80.02. R-E District Use Regulations.

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

A. Permitted Uses. The following uses shall be permitted subject to a appropriate permits being issued in accordance with this Ordinance:

1. Agricultural Uses.
 - Farm.
2. Residential Uses.
 - Single family Dwelling.
3. Institutional Uses.
 - Home Instruction.
 - Park.
 - Public Utility Service.
4. Commercial Uses.
 - Day Care Home.
 - Home Occupation, subject to § 56.08.
5. Industrial Uses.
 - None.

B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.

1. Agricultural Uses.
 - Hobby Farm, subject to § 56.07.
 - Kennel, subject to § 56.09.
 - Stable.
2. Residential Uses.
 - Accessory Dwelling, subject to § 56.01.
 - Family Care Home, subject to § 56.05.
3. Institutional Uses.
 - Cemetery, subject to § 56.03.
 - Community Center.
 - Place of Worship.
 - Public Facility.
 - Public Utility Facility.
 - School.
4. Commercial Uses.
 - Country Club.
 - Tourist Home/ Bed & Breakfast Inn.

- 5. Industrial Uses.
None.

- C. Temporary uses.
 - Seasonal Sales
 - Special Event

§ Section 80.03. R-E District Dimensional Regulations.

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- Minimum Lot Area 1 acre
- Minimum Lot Width: 150 feet
- Minimum Front Yard: 60 feet
- Minimum Side Yard: 20 feet
- Minimum Rear Yard: 35 feet
- Maximum Building Height: 35 feet

- Minimum square footage of finished living area 1,400 sq. ft.

Section 2: That the Article VIII, Section 81.00 “Single Family Residential District (R-1)” within the Residential Districts of the Zoning Ordinance be and is hereby amended to state as follows:

Section 81.00. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1).

§ 81.01. R-1 District Intent.

This district consists of areas suitable for single family residences. The R- 1 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

§ 81.02. R-1 District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted uses. The following uses shall be permitted subject permits being issued in accordance with this Ordinance:
 - 1. Agricultural Uses.
None.

2. Residential Uses.
 - Single Family Dwelling.
3. Institutional Uses.
 - Home Instruction.
 - Park.
 - Public Utility Service.
4. Commercial Uses.
 - Day Care Home.
 - Home Occupation, subject to § 56.08.
5. Industrial Uses.

None.

B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.

1. Agricultural Uses.

None.
2. Residential Uses.
 - Family Care Home, subject to § 56.05.
3. Institutional Uses.
 - Cemetery, subject to § 56.03
 - Community Center.
 - Place of Worship.
 - Public Facility.
 - Public Utility Facility.
 - School.
4. Commercial Uses.
 - Country Club.
 - Tourist Home/Bed & Breakfast Inn.
5. Industrial Uses.

None.

- C. Temporary Uses.
- Seasonal Sales.
 - Special Event.

§ 81.03. R-1 District Dimensional Regulations.

Except as provided in Section 56.00: “Supplemental District Regulations”, the following dimensional standards shall be required:

	With Public Sewer	Without Public Sewer
▪ Minimum Lot Area:	8,000 square feet	20,000 square feet
▪ Minimum Lot Width:	65 feet	100 feet
▪ Minimum Front Yard:	30 feet	40 feet
▪ Minimum Side Yard:	10 feet	15 feet
▪ Minimum Rear Yard:	20 feet	25 feet
▪ Maximum Building Height:	35 feet	35 feet

- Minimum square footage of finished living space on the first floor: 1,000 sq. ft.

Section 3: That the Article VIII, Section 82.00 “Single Family Residential and Mobile Home District (R-1 MH)” within the Residential Districts of the Zoning Ordinance be and is hereby amended to state as follows:

Section 82.00. SINGLE FAMILY RESIDENTIAL AND MOBILE HOME DISTRICT (R-1 MH).

§ 82.01. R-1 MH District Intent.

This district consists of areas suitable for a mix of single family residences and mobile homes. The underlying intent of this district is to encourage affordable homeownership alternatives in select locations within the City. The R-1 MH District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

§ 82.02. R-1 MH District Use Regulations.

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:

1. Agricultural Uses.
None.

2. Residential Uses.
 - Mobile Home, subject to § 56.12.
 - Single Family Dwelling.
3. Institutional Uses.
 - Home Instruction.
 - Park.
 - Public Utility Service.
4. Commercial Uses.
 - Day Care Home.
 - Home Occupation, subject to § 56.08.
5. Industrial Uses.

None.

B. Conditional Uses. The following uses shall be permitted subject to a conditional use permit being granted by the Zoning Board of Adjustment and further subject to appropriate permits being issued in accordance with this Ordinance.

1. Agricultural Uses.

None.
2. Residential Uses.
 - Family Care Home, subject to § 56.05.
3. Institutional Uses.
 - Cemetery, subject to § 56.03.
 - Community Center.
 - Place of Worship.
 - Public Facility.
 - Public Utility Facility.
 - School.
4. Commercial Uses.
 - Country Club.
5. Industrial Uses.

None.

- C. Temporary Uses.
- Seasonal Sales.
 - Special Event.

§ 82.03. R-1MH District dimensional regulations.

Except as provided in "Section 56.00: Supplemental District Regulations", the following dimensional standards shall be required:

	With Public Sewer	Without Public Sewer
▪ Minimum Lot Area:	8,000 square feet	20,000 square feet
▪ Minimum Lot Width:	65 feet	100 feet
▪ Minimum Front Yard:	30 feet	40 feet
▪ Minimum Side Yard:	10 feet	15 feet
▪ Minimum Rear Yard:	20 feet	25 feet
▪ Maximum Building Height:	35 feet	35 feet

- Minimum square footage of finished living space on the first floor: 1,000 sq. ft.

Section 4: If any provision in this Ordinance shall be or be declared to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 5: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 6: That this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 21 day of August, 2017.

CITY OF ASHVILLE, ALABAMA



Derrick Mostella, Mayor

ATTEST:



Chrystal St. John, City Clerk

