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ORDINANCE NO 2022-003

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

WHEREAS, on the 7 day of Feb., 2022, a public hearing was held by the City Council of the City of Ashville, Alabama, to consider an amendment to Article VII, §70.00 "Agricultural District (AG)"; and Article VIII, Section 82.00 "Single Family Residential and Mobile Home District (R1-MH)" within the Agricultural and Residential Districts of the *Zoning Ordinance of the City of Ashville, Alabama* (the "Zoning Ordinance"); and

WHEREAS, the purpose of the amendment is to further regulate the uses allowed in the applicable district within the City of Ashville (the "City"); and

WHEREAS, the City has the legal right to take acts 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 VII, §70.00 "Agricultural District (AG)" within the Zoning Ordinance be and is hereby amended to state as follows:

§ 70.01 AG District Intent.

This district consists primarily of undeveloped lands where agricultural and related pursuits may occur within the City and where agricultural support centers may serve outlying rural areas beyond the City. Further, the intent of the AG District is to hold these lands in agricultural, forested, outdoor recreational, rural residential, and other limited yet compatible uses.

§ 70.02 AG District Use Regulations

Accessory and combined uses and structures may be permitted subject to "Section 42.0: Use of Structures," and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses." All uses in this district are defined by "Section 23: Definitions."

Council Members

Robin L. Bowlin - Edward Roscoe Lane - Sue Price - Shirley Smith - R. Denise Williams

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

1. Agricultural Uses.
 - Farm, subject to §56.06.
 - Hobby Farm, subject to §56.07
 - Kennel, subject to §56.09
 - Stable.
2. Residential Uses.
 - Duplex.
 - Family Care Home, subject to § 56.05.
 - Single Family Dwelling.
3. Institutional Uses.
 - Animal Shelter.
 - Boarding House.
 - Cemetery, subject to § 56.03.
 - Home Instruction.
 - Park.
 - Place of Worship.
 - Public Utility Service.
4. Commercial Uses.
 - Day Care Home.
 - Home Occupation, subject to § 56.08.
 - Tourist Home/Bed & Breakfast Inn.
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.
 - Accessory Dwelling, subject to § 56.01.
 - Emergency Care Home.
 - Mobile Home, subject to § 56.12.
 - Two mobile homes, single family residences, or combination thereof on one parcel.
3. Institutional Uses.
 - Community Center.
 - Domiciliary Care Facility.
 - Emergency Care Facility.
 - Hospital.
 - Military Installation.
 - Nursing Care Facility.
 - Public Facility.
 - Public Utility Facility.
 - School.
4. Commercial Uses.
 - Campground.
 - Country Club.
 - Day Care Center.
 - Entertainment, Outdoor.

- Farm Support Business.
 - Livestock Sales.
 - Open Air Market.
 - Recreation, Outdoor.
 - Recreational Vehicle Park.
 - Studio.
5. Industrial uses.
- Resource Extraction.
 - Transmission Tower.
- C. Temporary Uses.
- Seasonal Sales.
 - Special Event.

§ 70.03. AG-1 District Dimensional Regulations.

Except as provided in Section 56.00: "Supplemental District Regulations", the following dimensional standards shall be required for Permitted Residential Uses and Mobile Homes:

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

*The minimum square footage required for mobile homes and like structures as determined by the Building Inspector shall be calculated by including only the finished space of the prefabricated structure. No additions, proposed additions, or other like attachment, construction, etc. will be factored in for the purposes of determining the minimum required square footage of a mobile home or like structure subject to this requirement.

Section 2: 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.
- Minimum square footage of finished living space for Mobile Home: 980 sq. ft.*

*The minimum square footage required for mobile homes and like structures as determined by the Building Inspector shall be calculated by including only the finished space of the prefabricated structure. No additions, proposed additions, or other like attachment, construction, etc. will be factored in for the purposes of determining the minimum required square footage of a mobile home or like structure subject to this requirement.

Section 3: 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.

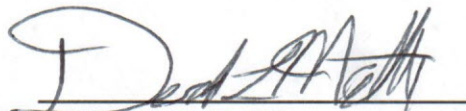
Section 4: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5: That this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 7 day of February, 2022.



CITY OF ASHVILLE, ALABAMA


Derrick Mostella, Mayor

ATTEST:


Chrystal St. John, City Clerk