

2023-002

Zoning Ordinance  
For  
The City of Ashford, Alabama

December 15, 2014 - Original

Amended February 21, 2023

An Ordinance of the Mayor and City Council of Ashford, Alabama establishing zoning districts and regulating the uses of land therein; specifying off street parking and loading requirements; adopting general zoning regulations; adopting a map for the purpose of indicating land districts; describing zoning rules and regulations in said districts; defining said districts; providing for rezoning and redistricting; establishing certain building and zoning regulations in each of the said districts; regulating land uses and accessory uses; prescribing the percentage of land area which may be occupied under varying circumstances; providing for variance and nonconforming uses; establishing a Board of Adjustment; providing penalties for a violation; providing remedies for enforcement hereon; to repeal all conflicting ordinances; and for other purposes

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# **Article I**

## **Purpose & Enactment, Short Title**

### **Section 11.**                    **Purpose**

The City of Ashford, Alabama, pursuant to the authority granted by Title 11, Chapter 52, Code of Alabama, 1975 (as amended) and for the purpose of promoting the health, safety, convenience, order, prosperity, and the general welfare of the residents; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare, to provide adequate light and air; to prevent the overcrowding of land, and to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks; to facilitate initiation of the comprehensive plan, and other public requirements, hereby ordains and enacts into law an official Zoning Ordinance in accordance with the laws of Alabama. In their interpretation and application, the provisions of the Ordinance shall be:

Considered as minimum requirements

11.1. Liberally constructed in favor of the governing body

11.2. Deemed neither to limit nor repeal any other powers granted under state statutes

### **Section 12.**                    **Short Title**

This ordinance shall be known and may be cited as the “Zoning Ordinance for the City of Ashford, Alabama”

## **Article II**

### **Definitions of Terms used in the Ordinance**

#### **Section 21. General**

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense, and the future tense includes the present tense. The singular number includes the plural, and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, or partnership. The word "lot" includes "plot" or "parcel." The word "building" includes "structure". The word "shall" is always mandatory. The word "used" or "occupied" as applied to any building or land shall be construed to include the words "intended, arranged, or designed to be used, or occupied." The word "map" means the "Official Zoning Districts Map for the City of Ashford, Alabama."

#### **Section 22. Specific Definition**

When used in this Ordinance, the following words and phrases shall have the meaning given in this section

**Accessory use:** A use customarily incidental to the principle use of the land, which is generally used for storage, but not as a place to occupy. Any accessory buildings larger than 100 sq ft shall be properly sited on properly zoned land and require a building permit to erect or build.

**Block:** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

**Building Accessory:** A subordinate building, the use if which is incidental to that of the dominant use of the main building or land.

**Building Alteration of:** Any change in the supporting members of a building (such as bearing walls, beams, columns, girders) or any addition to a building, or change of use. In addition, a building shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost more than \$500, or when such repairs, renovation, remodeling, or rebuilding changes the character of the structure. All work under this section shall comport with building construction plans and specifications, and standard applicable local, state, and federal building codes.

**Commission:** The Ashford Planning Commission

**Condominium:** A condominium, often shortened to condo, is a type of living space similar to a one story or a multi-story apartment building but independently owned within the space of the living unit, with the perimeter structure & common areas generally owned and controlled by a homeowner's association

**Council:** The Mayor and the City Council of Ashford, Alabama

**Custom Construction:** The process of erecting a building other than a manufactured home on a foundation at a site from discrete components, some of which may be pre-engineered and prefabricated, in accordance with building construction plans and specifications, and standard building codes applicable local, state and federal building codes.

**District:** A section of the City of Ashford throughout which the zoning regulations are the same

**Driveway:** A driveway is a type of private road either asphalt or concrete or other approved materials used for the sole purpose to access to one or a small group of structures and is owned & maintained by an individual or group. Driveways rarely have traffic lights, but some that bear heavy traffic, especially those leading to commercial businesses and parks.

**Duplex or Triplex Housing:** A duplex is one building with two separate living units, a triplex is a building with three separate living units and a fourplex or a quadplex has four separate living units. Generally, these building types are one- or two-story residential units

**Dwelling:** A building designed or used for permanent living quarters for one or more families. A dwelling unit can be a minimum of 400 sq ft gross living area studio apartment, an apartment building, condominium complex, patio or garden home, zero-lot line home, townhome, duplex or triplex, or a minimum of 1,100 sq ft gross living area stand-alone residential structure.

**Easement:** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

**Family:** One or more persons occupying a dwelling and living as single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined.

**Frontage lot:** The distance for which the front boundary lines of the lot and the street line are coincident.

**Frontage street:** All the property on the side of a street between two intersecting streets (crossing or ending), or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

**Garden Home:** A type of home often in a suburban setting which is a part of a unit of several houses attached to each other, typically with shared walls between units, and with exterior maintenance and landscaping provided through an association fee.



**Home Occupation:** The use of a dwelling, or an attached accessory building on the same zoned lot, for commercial activities. These activities must be clearly secondary to the use of the structure as a residential dwelling. Also, the property shall be located in a residential zoning district. No more than 25% of the dwelling's total area may be used for the home occupation. There shall be no advertising other than an identification sign of not more than 2 sq ft in area. Only one employee can be employed to work within the home occupation facility.

**Lot:** A parcel of land occupied or to be occupied by one or more main buildings and its accessory buildings with such open and parking spaces as are required by the provisions of this Ordinance and having its frontage upon public street or streets.

**Manufactured Building:** A closed structure, building assembly or systems of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection. With or without other specified components, as a finished building or as a part of a finished building, which shall include, but not limited to, storage and industrial structures. "Mobile homes" or "prefabricated" or "Manufactured homes" that are built in a factory on a permanently attached metal chassis, are excluded. "Manufactured building" may also mean, at the option of the manufacture, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation, on the building site. Excluded from the definition of "manufactured building" shall be any temporarily placed building, trailer, or structure maintained by a licensed general contractor or subcontractor for purposes of storage, office space, security, or any other construction related function at a project site.

**Manufactured Home:** A structure transportable in one or more sections, which in the traveling mode, is 8ft or more in width and 40ft or more in length, or when erected on site, is 320 or more sq ft, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; a structure that meets all the requirements and with respect to which the manufacture voluntarily files certification required by the Secretary of the Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974. The term "Manufactured Home" as found in the United States is required by federal law (Code of Federal Regulations, 24 CFR 3280)

**Manufactured Home Park:** A parcel of land within a Residential Manufactured Home District and under single management that has been planned and improved for the provision of space and services for manufactured homes for transient and/or non-transient use for the accommodation of two or more residential manufactured homes, not platted or otherwise divided by fee simple ownership; but permitting lease of a space or home site and/or the sale of the interests or memberships on a condominium basis, and wherein facilities and amenities, including roads or clubhouses or recreation facilities shall be privately owned or owned in common by residents of the park.

**Multi or Mixed-use Buildings:** Mixed-use zoning or mixed-use planning, is a type of urban development, urban planning and/or a zoning type that blends residential, commercial, cultural, institutional, or entertainment uses into one space, where those functions are to some degree physically and functionally integrated, and that provides pedestrian connections. Mixed-use development may be applied in existing or new real estate development projects in a city or suburb, or may apply to a single building, existing or new neighborhood, or in zoning policy across an entire city or other political unit.

**Non-conforming Use:** A use of land existing at the time of the enactment of this Ordinance or at the time of a Zoning Amendment, and which does not conform with the regulations of the use district in which it is located.

**Overlay District:** Overlay Zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone (s), which identifies special provisions in addition to those in the underlying base zone. The overlay district can share common boundaries with the base zone or cut across base zone boundaries. Overlay zoning is also used by communities to apply area-specific standards and/or conditions. A base zoning district (such as residential or mixed-use) determines the types of uses permitted and the minimum dimensional requirements of lots and buildings. An overlay district (or overlay zone) applies an additional layer of standards to all areas within a defined overlay boundary, regardless of the underlying base zone district.

Overlay zoning supplements or supersedes existing regulations within an underlying base zoning district. When drafting an overlay zoning district shall supersede existing zoning regulations, or if certain overlay zones should be treated differently. Some overlay zones (e.g., infill and redevelopment) are drafted to permit exceptions or require a less-restrictive set of standards than otherwise provided in the zoning regulations.

**Patio or Garden Home:** Patio homes are sometimes referred to as cluster homes, garden homes, garden villas, courtyard homes, cottage, or club home. These types of homes are usually single-story and are smaller than most single-family homes. Often several home units are attached to each other, typically with shared walls between units, and with exterior maintenance and landscaping provided through an association fee.

**Plat:** A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.

**Special Exception:** A use, specified in the Zoning Ordinance, allowed in a district provided certain criteria are met. The Zoning Board of Adjustments may approve a use as a special exception on appeal if it is felt to be complementary to the uses in the district.

**Street or (thorough fare):** A thoroughfare which affords traffic circulating and principle means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and any other thoroughfare except an alley. A public street is a street accepted by dedication or otherwise by, the city. A private street is a street not so accepted, or any street designated as a private street upon a recorded plat.

**Structure**: Anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.

**Studio Residential Unit**: The studio unit is a living space with a single room. They are also known as single room dwelling places or studio flats. A studio apartment typically consists of one large room that serves as a combined living, dining, and bedroom. They are not less than 400 sq ft & also consists of a full bathroom, kitchen, or kitchenette.

**Sub divider**: Any person who undertake the subdivision of land as herein defined.

**Subdivision**: Any division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development, and includes any division of land involving a new street or a change in existing streets, and includes re-subdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

**Travel Trailer (Motor home, Recreational Vehicle)**: A portable vehicle structure, constructed to be towed or self-propelled, of not more than 10ft in width when portable, designed as a temporary dwelling for travel, recreational, or vacation uses.

**Travel Trailer Parks**: Any lot on which two or more travel trailers are temporarily parked for a period of less than 30 days

**Townhomes**: Townhouse, or townhome, is a type of terraced housing. A modern town house is often one with a small footprint on multiple floors. Often, the ownership of the townhome may include the land its footprint is built on, with a common wall between adjacent units. Generally, the front landscaping and common grounds area are maintained by an association, with a fee charged to each individual owner.

**Permitted Use Upon Appeal**: See Special Exception.

**Variance**: A relaxation of the terms of the Zoning Ordinance (such as lot size requirements, set back lines, etc.) where such variance will not be contrary to the public interest and where, such variance is due to conditions peculiar to the property and not the result of actions of the applicants. A variance is to relieve an undue hardship. As used here, a variance is authorized only for height, area, and size of a structure or size of yard and open spaces.

**Yard**: A space on the same lot with a main building, such space being open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

**Front Yard**: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right of way line and the front lines of the building, projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the right of way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall project into required front yard. On corner lots, the front yard shall be considered parallel to the street upon which the lot has its least dimension.

**Rear Yard**: An open space on the same lot with the main building, such space being unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot. On all corner lots, the rear yard shall be at the opposite end of the lot from the front yard.

**Side Yard**: An open, unoccupied space on the same lot with a main building, situated between the sideline of the building and the adjacent sideline of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the line of the lot. On corner lots, the side yard shall be considered as parallel to the street upon which lot has its greatest dimension.

**Zero Lot Line House**: A zero-lot-line house is a piece of residential real estate in which the structure comes up to or very near to the edge of the property line. Rowhouses, garden homes, patio homes, and townhomes are all types of properties that may be zero-lot-line homes.

## **Article III**

### **Establishment of Districts**

#### **Section 31. Division of the town into Districts**

For the purposes of this Ordinance, the City of Ashford, Alabama, is divided into (12) districts listed below:

R-1: Low-Density Single Family Residential District  
R-2: Single and Two-family Residential District  
R-3: Multi-Family Residential District  
C-1: Central Business/Local Shopping District  
C-2: Special Commercial District  
C-2MU: Commercial 2 Mixed-Use District  
M-1: Wholesale and Light Industrial District  
M-2: General Industrial District  
FH: Flood Hazard District  
A-C: Agricultural-Conservation District  
RMH: Residential Manufactured Home District  
Downtown Overlay District

#### **Section 32. Incorporation of the Zoning Map**

The official Zoning Map, with all notations, reference and other information shown on it shall be the official zoning map and is hereby made a part of this Ordinance. The Official Zoning Map is hereby made a public record and shall be kept permanently in the office of the Ashford City Clerk, where the map will be accessible to the public

#### **Section 33. Map Amendment**

If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, changes shall be made on the Official Zoning Map promptly after the amendment has been approved by the City Council. A numerical entry shall be made promptly on the Official Zoning Map referring to the application on file which states the date of the official action and a brief description of the nature of the changes. No amendment to the Ordinance which involves matter portrayed on the Official Zoning Map shall be effective until after such change and entry have been made on said maps

## **Section 34.**

## **Rules for Determining Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map, the following rules shall apply:

### **34.1.**

Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, said lot lines, center lines of streets, highways, alleys, or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines

### **34.2.**

Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, shorelines of streams, streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map

### **34.3.**

Where district boundary line as appearing on the Official Zoning Map divides a lot which is in a single ownership at the time of the enactment, the use classification of larger portion may be extended to the remainder by the Council without recourse to amendment procedures

### **34.4.**

Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley

### **34.5.**

In case the exact location of a boundary cannot be determined by the foregoing methods, the Council shall, upon application, determine the location of the boundary

## **Article IV**

### **Application of Regulations**

#### **Section 41.**                    **Use**

No buildings or land shall hereafter be used or occupied, and no buildings or part thereof shall be erected, constructed, or moved, or altered except in conformity with the regulations herein specified for the district in which it is to be located

#### **Section 42.**                    **Building Heights**

No building or structure shall hereafter be erected, constructed or altered to exceed the height limit of 50ft, to accommodate or house a greater number of families than is required or specified in the regulations herein for the district in which it is located

#### **Section 43.**                    **Lots**

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side, or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained. This Section shall not apply when a portion of a lot is acquired for public use

#### **Section 44.**                    **Yards**

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than 2ft beyond the yard area requirements

# **Article V**

## **General Provisions**

### **Section 51. Non-conforming Building & Uses**

It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much of a subject of health, safety, and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures as to avoid any unreasonable invasion of established private property rights

Therefore, any structure or use of land existing at the time of this enactment of this Ordinance, and amendments thereto, but not in conformity with its use regulations and provisions, may be continued subject to the following provisions listed below:

#### **51.1 Unsafe Structures**

Any structure or portion thereof declared unsafe by an authority may be restored to a safe condition, provided the requirements in this Section are met

#### **51.2 Alterations**

Any change in a non-conforming building, use, or building site or yard area is subject to the following that's listed below:

##### **52.21**

No non-conforming building can be structurally altered, except repairs on or installation of plumbing fixtures required by law; the changing of interior partitions; and interior remodeling

##### **51.22**

No non-conforming building or lands, except those residential dwellings needing repairs on or installation of plumbing fixtures as required by law, can be substantially added to, moved, or extended in any manner unless such building or land is changed to conform with the provisions of this Ordinance

##### **51.23**

Whenever an existing residential dwelling other than a manufactured home must have repairs on or installation of plumbing fixtures which will force the location of the future addition of the dwelling nearer the lot line than requirements set forth in this Ordinance, the addition to the dwelling shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of the dwelling



**51.24**

Should non-conforming building be moved all non-conforming yard areas shall be eliminated

**51.3 Extensions**

A non-conforming use of land shall be restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be extended to include either additional building or land after the effective date of this Ordinance

**51.4 Restoration of Damaged Building**

A non-conforming building, structure, or improvement which is hereafter damaged or destroyed to an extent exceeding 50% of the reasonable estimated replacement cost of the structure, building, or improvement may not be reconstructed or restored to the same non-conforming use

**51.5 Change in Use**

A non-conforming use which is changed to conforming use shall not be permitted to revert to the original or a less restrictive use

**51.6 Discontinuance**

A non-conforming use which became such after the adoption of this Ordinance but is subsequently discontinued shall not be re-established and any future use shall be in conformity with the provisions of this Ordinance

**51.7 Manufactured Homes**

An existing manufactured home, whether occupied or unoccupied, located within the Ashford corporate limits but outside a designated Residential Manufactured Home District shall be moved to an RMH District as permitted in Article VIII, Section 81, or removed from within the Ashford corporate limits within 180 days of the enactment of this Ordinance unless the following requirements are met:

**51.71**

The manufactured home has a permanent foundation made of materials such as brick or block that completely encloses the bottom of the dwelling

**51.72**

The manufactured home is otherwise in compliance with the provisions for residential dwellings in this Ordinance

## **Section 52.                      Off-Street Automobile Parking**

Off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance.

### **52.1 General Requirements**

The purpose of this Ordinance, the following general requirements are specified:

#### **52.11**

The term "off-street parking space" shall mean a space at least 10ft wide 20ft in length with a minimum net area of 200 sq ft, excluding area For entry, exit and maneuverability of vehicles.

#### **52.12**

If off-street parking cannot be reasonably provided on the same lot on which the principal use is conducted, the Planning Commission may permit such space to be provided on the other off-street property, provided such space lies within 300 ft of the property line of such principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

#### **52.13**

Area reserved for off-street parking in accordance with the Requirements of this Ordinance shall not be reduced in area or changed to any other use unless permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to, the satisfaction of the Planning Commission.

#### **52.14**

Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

### **52.2 Parking Space Requirements for all Districts**

Off-street automobile storage or parking space shall be provided with vehicular Access to a street or alley, and shall be at least equal to the minimum requirements for the specific land use set forth.

## Land Use

### Dwellings

Multiple 1

## Parking Requirements

One & half spaces for each dwelling unit with no more than (2) driveways or curb cuts per dwelling unit. 1-1/2 spaces per dwelling unit except for efficiency apartments for which (1) space per dwelling unit shall be provided

Hotel

One space for each bedroom plus one Additional space for each (5) employees

Motels, tourist courts, homes, manufactured home, and travel trailer parks

One space for each guest bedroom for a manufactured home or travel trailer space, plus one additional space for a resident manager or owner

Boarding, rooming house, or dormitories

One space for each guest bedroom

### Public Assembly

Churches & other places of worship

One space for each (4) seats in the Main auditorium or sanctuary

Private Clubs, lodges, & fraternal buildings not providing overnight accommodations

One space for each (5) active members

Theaters, auditoriums, coliseums, stadiums & places of assembly

One space for each (4) seats

Libraries & museums

One space for each 500 sq ft of gross floor area

Schools, including kindergartens, Play-schools and daycare centers

One space for each (4) seats in assembly hall, or one space for each employee, including administrators, whichever is greater, plus (5) spaces per classroom for high school and colleges

Skating rinks, dance halls, exhibition halls, pool rooms & other places of amusement or assembly without fixed seating arrangements

One space for each 200 sq ft of floor area

Bowling Alleys

Four spaces for each alley

## **Land Use**

### **Health Facilities**

Hospitals, sanitariums, nursing homes, homes for the aged & similar institutional uses

Kennels & animal shelters

Medical, dental, health offices, & clinics

Mortuaries & funeral parlors

### **Businesses**

Automobile repair establishments

Food stores

Restaurants, including bars, grills, diners, Cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments

Office buildings, including banks, business, commercial & professional offices & buildings but excluding medical, dental, health offices & clinics

General business, commercial or personal service establishments catering to the retail trade but excluding food stores

Government Offices

Shopping Centers

Furniture Stores

Public utilities, such as telephone Exchange, substations, radio, tv Stations, electric power, and gas sub stations

## **Parking Requirements**

One space for each (4) beds, plus one space for each (4) employees, including nurses

A parking space equal to 30% of the total covered or enclosed area

One space for each 200 sq ft of floor area Used for offices & similar purposes

Five space per parlor chapel units, or (1) space per (4) seats whichever is greater

One space for each regular employee plus one space for each 250 sq ft of floor area

One space for each 200 sq ft of floor area Designed for retail sales only

One space for each (4) seats provided for patron use, plus (1) space for each 74 sq ft of floor area provided for patron use but not containing seats

One space for each 300 sq ft of ground floor area, plus (1) space for each 500 sq ft of upper floor area

One space for each 200 sq ft of floor area designated for retail sales only

One space for each 300 sq ft of ground floor area plus (1) space for each governmental vehicle

Ten spaces for each 1,000 sq ft of floor area Designated for retail sales only for Centers up To 15 acres in size & (8) spaces for floor area designated for each 1,000 sq ft of floor area designated for retail sales only Centers of 15 or more acres in size

One space for each 1,000 sq ft of gross floor Space

A parking area equal to 25% of the gross floor space

**Land Use**

**Parking Requirements**

**Industries**

Commercial, manufacturing &  
Industrial establishments, not  
Catering to the retail trade

One space for each (3) employees on the  
maximum working shift, plus one vehicle  
operating from the premises

Wholesale establishments

One space for every 50 sq ft of customer  
Service area, plus two spaces for each (3)  
Employees on the maximum working shift,  
Plus (1) space for each company vehicle  
Operating from the premises

**52.3 Site Requirements**

All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements (except in residential areas):

**52.31**

All such parking areas shall be hard surfaces with concrete or plant Bituminous material and shall be maintained in a dust-proof condition and a good stand of grass shall be maintained on the remainder of the lot.

**52.32**

Lighting facilities shall be so arranged that light is reflected away From adjacent properties.

**52.33**

The parking lot shall be adequately drained

**52.34**

Along those lot lines of the parking area which abut residential districts, a dense planting of trees & shrubs shall be established on a strip of land not less than 8ft in width adjacent to the districts & provided that such planting be not less than 6ft in height & substantial bumper rail of wood, metal or concrete shall be installed on the inside of the planting strip

**52.35**

Along lot lines of the parking areas not abutting residential districts there shall be erected (except for driveway openings) a raise curb of at least 6 inches along property lines

**52.36**

No sign, whether permanent or temporary, shall be placed within the public right of way. Signs and planting strips shall be arranged so that they do not obstruct visibility for drivers or pedestrians

## **Section 53. Off-Street Loading and Unloading Space**

Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance

### **53.1 Size of Off-street Loading Spaces**

Each off-street loading space shall have a minimum dimension of 14ft in height, 12ft in width, and 55ft in length. However, upon sufficient demonstration that loading space will be used exclusively by shorter trucks, the Zoning Board of Adjustment may reduce the minimum length accordingly to as little as 35ft

### **53.2 Connection of Street or Alley**

Each required off-street loading space shall have direct access to a street or Alley or have a driveway which offers satisfactory ingress and egress for trucks

### **53.3 Floor Area over 10,000 sq ft**

There shall be provided for each hospital, institution, hotel, commercial, or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 sq ft, at least one off-street loading space for each 10,000 sq ft of floor space or fraction thereof. Such space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley

### **53.4 Floor Area less than 10,000 sq ft**

There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise having a floor area of less than 10,000 sq ft, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, or alley. Determinations as to whether sufficient space is provided shall be made by the Zoning Board of Adjustment

### **53.5 Bus and Trucking Terminals**

There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time. Determination as to whether sufficient space is provided shall be made by the Zoning Board of Adjustment

### **53.6 Location of Off-street Loading Space**

All required off-street spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot

### **53.7 Permanent Reservation**

Are reserved for off-street loading in accordance with the requirements of this Ordinance shall be reduced in area or changed to any other use unless the permitted area use which is served is discontinued or modified, except were equivalent loading space is provided and approved by the Zoning Board of Adjustment

**Section 54.      Control of Curb Cuts and Vision Clearance**

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

**54.1 Curb Cuts**

No curb cut shall exceed 50 ft in length, nor shall curb cuts be closer than 20ft to other curb cuts or closer than 20ft to an intersection of two streets measured along the curb line

**54.2 Vision Clearance**

In all use districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of two and one half (2%) and 10ft from the street level shall be permitted within 20ft of the intersection of the right of way lines of two streets or railroad lines, or of a street Intersection with a railroad line

**Section 55.      Storage, Parking of Trailers and Vehicles**

Commercial vehicles and trailers of all types, including travel boat, camping and hauling, shall not be parked, or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following requirements:

**55.1**

No more than one commercial vehicle per dwelling shall be permitted (a tractor-trailer truck is defined as one vehicle); and in no case shall a commercial vehicle be used for hauling explosives, gasoline or liquefied petroleum products be permitted

**55.2**

No more than one travel trailer per dwelling shall be permitted and shall be parked or stored behind the front yard building line

**55.3**

Hauling trailers or boat trailers shall be parked or stored behind the front yard building line

**55.4**

A travel trailer shall not be occupied either temporarily or permanently while it is parked or stored in any area except an authorized Residential Mobile Home District

**55.5**

A junked vehicle, or one that is not in use, shall not be permitted to be located on or near to lots with dwelling units. These junked autos shall be confined to junk yards

## **Section 56.      Screen and Lighting**

### **56.1**

In any Commercial or Industrial District, any operation not conducted within a building, such as drive-in businesses, outdoor recreation, outdoor storage of materials, and outdoor serving activities, shall be enclosed by a wall or fence of solid appearance or tight evergreen hedge not less than 6ft in height where necessary to conceal such areas or facilities from a residential district adjoining or facing across a street in the rear or on the side of the principal building or use

### **56.2**

In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less 6ft in height

### **56.3**

Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right of way

## **Section 57.      Minimum Distance Between Buildings**

The following minimum distance between buildings shall be required unless otherwise specified within this Ordinance:

### **57.1**

There shall be not a distance less than 15 ft between a main and an accessory building located on the same lot or parcel



# **Article VI**

## **Use Requirements by Districts**

### **Section 61. Residential Districts**

#### **61.1 R-1 Low Density Single-Family Residential District**

This district is provided to afford opportunity for choice of a low density residential Environment consisting of single-family homes on relatively large parcels of land. Private, on-site water supply and sewage disposal may be permissible in this district depending on specific location. However, as public sanitary sewer service Becomes available, it shall be required that all dwelling units located within 150ft of a sanitary sewer main be connected to the public system within two years after the service is available.

#### **61.11 The R-1 Low Density Single-Family Residential District**

The following uses are permitted. All other uses are prohibited.

- (1) Single-family dwellings that are custom constructed or are manufactured buildings on permanent foundation in accordance with standard building codes
- (2) Accessory buildings and uses when located on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements in Section 82 are met
- (3) Fall-out shelters and storm shelters provided the requirements in Section 83 are met
- (4) Agricultural, forestry, livestock and poultry production, provided that the operation is conducted on a tract of land not less than 10 acres in area, and that no storage of manure or odor or dust producing substance or use shall be located within 200 ft of a property line, provided, however, any such structure existing at the time of passage of this Ordinance shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of such structure. All animals (except those generally recognized as pets) shall be kept in a structure, pen, or corral. Anyone may keep fowls for their own personal use on land less than 10 acres provided all of the requirements of this Section are met
- (5) Garden Home (s) following approval of the Ashford Planning Commission

**61.2 R-2 Single and Two-Family Residential District**

This district is intended as a medium density single and two-family residential district with lots of moderate size. Private, on-site water supply and sewage disposal may be permissible in this district depending on specific location. However, as public sanitary sewer service becomes available, it shall be required that all dwelling units located within 150ft of a sanitary sewer main be connected to the public system within two years after the service is available

**62.21 R-2 Single & Two-Family residential District**

The following uses are permitted:

- (1) All uses permitted in the R-1 Low Density Single Family Residential District except that agricultural, forestry, livestock, and poultry production are prohibited in any R-2 District
- (2) Two-Family dwellings (duplex) that are custom constructed or are manufactured buildings on permanent foundations in accordance with standard building codes
- (3) Government buildings

**61.3 R-3 Multi-family Residential District**

The intent of this district is to provide opportunity, within a general protected residential environment, for the highest residential district density considered as appropriate to the character of Ashford. Off-street Parking shall be provided as specified in Section 52. Public water and sewer facilities shall be required.

**61.31 R-3 Multi-family Residential District**

The following uses are permitted:

- (1) All uses permitted in the R-2 Two-family Residential District
- (2) Multi-family dwellings (triplexes & apartments)
- (3) Hotels & apartment hotels
- (4) Office buildings exclusively used for professional occupancy and of such character and nature that such use will not adversely affect adjacent and nearby residential properties
- (5) Clubs, lodges, and boarding houses

## **Section 62. Commercial Districts**

### **62.1 C-1 Central Business/Local Shopping District**

This district is intended to provide opportunity for commercial establishments offering general retail consumer goods and personal services generally associated with a Central Business District or a Local Shopping District. It is the further intent of this district to ensure the continued vitality of the Central Business District.

#### **62.11 Required Conditions**

All businesses, servicing, storage, or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible as for example:

Loading and unloading, automobile parking for customers, and the sale of automobile fuel at service stations. Uses, processes or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, or vibration

#### **62.12 Permitted Uses within the C-1 Central Business District**

The following uses are permitted:

- (1) Any retail business or commercial use in which there is no processing or treatment of materials, goods, or products except as provided for, including:
  - (a) Appliance store including radio & television service
  - (b) Art & antique shop
  - (c) Baker employing ten or less person
  - (d) Bank & drive in bank
  - (e) Bicycle or motorcycle shop
  - (f) Book, stationery, camera, or photographic supply store
  - (g) Confectionery store
  - (h) Clothing, shoe, millinery, dry goods, & supply notions
  - (i) Drug store
  - (j) Ice cream parlor
  - (k) Furniture, home furnishings, including office furniture & equipment
  - (l) Florist, nursery, and gift shop
  - (m) Grocery, fruit, vegetable, meat market, delicatessen, catering, and supermarkets
  - (n) Hardware and paint store
  - (o) Jewelry store

- (2) Any of the following service businesses:
  - (a) Barber & beauty shops
  - (b) Café, grills, lunch counters, restaurants, but not including night clubs, bars, taverns, and drive-in restaurants
  - (c) Dressmaking & tailoring shops
  - (d) Laundry, dry cleaning pickup stations, and self-service laundry
  - (e) Shoe repair shop
- (3) Office buildings
- (4) Bowling alleys & billiard rooms
- (5) General farming and horticulture
- (6) Single and Two-family provided the lot requirements in the R-2 Residential Zoning District are met and such dwellings are approved by the Planning Commission in accordance with a master plan for the development of the entire district
- (7) Accessory buildings and uses when located on the same lot or parcel of land as the main structure and customarily incidental thereto, provided the requirements in Sec. 82 are met.
- (8) Fall-out shelters and storm shelters provided the requirements in Section 83 are met
- (9) Hotels
  - (10) Automobile service stations, provided the requirements in Sec. 85 are met
  - (11) Theaters (walk in)
  - (12) Multi-family dwellings provided the requirements in Sec. 71 are met and such dwellings are approved by the Planning Commission in accordance with a master plan for the development of the entire district
  - (13) Finance, insurance, and real estate offices
  - (14) Private clubs, fraternal orders, and lodges
  - (15) Sporting goods
  - (16) Tires, batteries, and other automobile accessories
  - (17) Similar retail and commercial establishments meeting the requirements set forth in paragraph 61.11

## **62.2 C-2 General Commercial District**

This district is intended to accommodate commercial establishments which, because of noise, general appearance, odor, nature of goods or services offered or other similar reasons, are considered incompatible with the more restrictive commercial district

### **62.21 Required Conditions**

All businesses, servicing storage, or processing shall be conducted in a completely enclosed building except where the nature of the activity makes it impossible. Uses, processes, or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration

### **62.22 The C-2 General Commercial District**

The following uses are permitted:

- (1) Any use permitted in the C-1 districts
- (2) Laundry and dry-cleaning plants
- (3) Night clubs, bars, and taverns, drive-in restaurants, & dance halls
- (4) Motels & apartment motels
- (5) Electrical supplies
- (6) Heating & plumbing equipment
- (7) Temporary uses including sale of Christmas trees, carnivals, church bazaars, sale of seasonal fruit and vegetables from roadside stands, but such use not permitted for a period to exceed three months in any calendar year
- (8) Multi-family dwelling provided the requirements in Sec. 71 are met and such dwellings are approved by the Planning Commission in accordance with a master plan for the development of the entire district
- (9) Farm and garden supplies
- (10) Food locker plant renting lockers for the storage of food including, retail sales, delivery, cutting, and packaging of meats not including slaughtering
- (11) Automobile, travel trailer, farm equipment and implements, and manufactured home sales, but any mechanical or body repair must be conducted entirely within a structure which shall not have any opening, other than a stationary window, within 75ft of a residential district. Provided that all vehicles on a used car sales lot must always be in an operating condition

- (12) Automobile repair garage, mechanical & body shop, provided that all operations are conducted in a building. Which shall not have an opening, other than a stationary window, within 75ft of a residential district. Which shall not store or otherwise maintain any parts or waste materials outside such buildings
- (13) Produce & farmer markets
- (14) Bakeries
- (15) Car wash, provided that a paved area shall be located on the same lot for storage of vehicles awaiting entrance to the washing process sufficient to contain a few vacancies (200 sq ft per vehicle) equal to one-third of the practical hourly capacity of the washing machines. In addition, that curb breaks be limited to two, each not to exceed 30ft in width, & located not closer than 20ft to an intersection
- (16) Similar retail and commercial establishments the requirements set forth in paragraph 62.21

**62.3 C-2 Mixed Use Districts**

**62.31 C-2MU District**

The following uses are permitted:

- (1) First floor uses: commercial uses as permitted in Zones C-1 & C-2
- (2) Second floor to fifth floor uses: Uses as permitted in C-1 & C-2 districts; Uses as permitted in R-3 districts
- (3) Structures shall not be more than 50ft higher; 5-stories
- (4) Fire separation between commercial space and residential space shall not be less than the two-hour rating

## **Section 63.**

## **Flood Hazard District**

It is the intent of this Ordinance that the Flood Hazard District contain all lands which are subject to flooding and that these lands be limited to types of activities which will be least damaged by flooding, and which would least impede the flow of water in the floodway. The Flood Hazard District consists of all areas identified by the Special Flood Hazard Boundary Map prepared for the Federal Insurance Administration as being subject to inundation in the event of a "one-hundred-year storm" (a storm/flood having 1% chance of occurring each year)

The boundaries of the Flood Hazard District, as identified by the Special Flood Hazard Boundary Map, take precedence over the boundaries of all other land use districts. The Special Flood Hazard Boundary Map is adopted as a part of and incorporated into the Official Zoning Map

The land use regulations contained in the Section which governs the Flood Hazard District shall take absolute precedence over other laws governing the use of land within the Flood Hazard District

All land uses permitted within the Flood Hazard District are subject to the approval of the Board of Adjustment and are to be considered Uses Permitted Upon Appeal.

### **63.1 The FH Flood Hazard District**

The following uses are permitted upon appeal to the Board of Adjustments:

- (1) Crop farming, truck farming, livestock grazing, fish hatcheries, fish farms, and other agricultural uses which are of the same nature
- (2) Private or public recreational uses such as golf courses, tennis courts, driving ranges, picnic grounds, parks, wildlife, nature preserves, boat launching ramps, boat houses, hiking, horseback, riding trails and other uses of a similar nature
- (3) Dwellings, provided they are properly flood-proofed and are elevated that their foundations and/or basements are above the 100-year flood level as defined by the Special Flood Hazard Boundary Map. Plans for all dwellings in the Flood Hazard District must be approved by the Planning Commission
- (4) Structures incidental to the uses permitted upon appeal in the Flood Hazard District provided such structures are properly flood-proofed and elevated so that their foundations and/or basements are above the 100-year flood level as defined by the Special Flood Hazard Boundary Map. Plans for all such structures must be approved by the Planning Commission

### **63.2 The Flood Hazard District**

The following uses are prohibited within the Flood Hazard District:

- (1) Structures for human habitation unless approved by the Planning Commission
- (2) Sanitary landfills, or other types of refuse depositories
- (3) Other uses which would impede the flow of water in the floodway
- (4) On-site sewage disposal systems (septic tanks)
- (5) Any encroachments into the channel



## **Section 64.**

## **Wholesale & Industrial Districts**

### **64.1 M-1 Wholesale & Light Industrial District**

#### **64.11 The M-1 Wholesale & Light Industrial District**

The following uses are permitted:

- (1) Ice plants
- (2) Contractor's storage and equipment yards when located entirely within a building or fenced area
- (3) Building and lumber supply establishments provided entire storage area is properly screened as required in Sec. 56, or of a greater height as required to adequately screen such areas, and that any machine operations be conducted entirely within a building which shall not have any opening, other than a stationary window, within 100ft of a residential district
- (4) Establishments for manufacture, repair, assembly, or processing including:
  - (a) Confectionery manufacture
  - (b) Clothing & garment manufacture
  - (c) Laboratories for testing materials, chemicals analysis, photography processing
  - (d) Manufacture and assembly of scientific, optical, and electronic equipment
  - (e) Manufacture of musical instruments and parts
  - (f) Manufacture of souvenirs and novelties
  - (g) Manufacture of toy, sporting, and athletic goods
- (5) Wholesale warehouses
- (6) Drive-in theaters provided acceleration and deceleration lanes of at least 200ft in length are provided for the use of vehicles entering or leaving the theater and the volume or concentration of traffic will not constitute a safety hazard or unduly impede highway traffic movement, and provided that the screen is not visible from any expressway, freeway, arterial or collector street located within 2000ft of such screen
- (7) Truck terminals if acceleration and deceleration lanes of at least 200ft in length are provided for trucks entering or leaving the site and that truck traffic so generated will not create a safety hazard or unduly impede traffic movement

- (8) Trade shops including sheet metal, roofing upholster, electrical, plumbing, venetian blind, cabinet making and carpentry, rug, carpet cleaning, and sign painting. Provided that all operations are conducted entirely within a building which shall not have any opening, other than stationary windows, within 100ft of any residential district
- (9) Food processing plants, such as bakeries, meat packers, fish and poultry houses
- (10) Frozen dessert and milk processing plants
- (11) Any other establishments for the manufacture, repair, assembly, or processing of materials, similar in nature to those listed in Sec. 64.11 (4) which are not objectionable by reason of smoke, dust, odors, bright lights, noise, or vibration, or which will not contribute to the congestion of light

**64.12**

Upon appeal to the Board of Adjustment, any use permitted in any C-2 District may permitted in an M-1 District except that no new dwelling unit (s) shall be allowed in any M-1 District

**64.2 M-2 General Industrial District**

The M-2 General Industrial District the following uses are permitted:

- (1) All permitted uses in M-1 Wholesale and Light Industrial district, excluding dwellings
- (2) Warehouses
- (3) Agricultural, forestry, livestock & poultry production, provided that the operation is conducted on a tract of land not less than 10 acres in area. That not structure containing poultry, livestock, and no storage of manure, odor, or dust producing substance or use shall be located within 200ft of a property line
- (4) Manufactured home or travel trailer used as authorized in Sec. 81 (2)
- (5) Manufacturing, processing, fabrication, repair and servicing of any commodity or product except the following:
  - (a) Manufacture of acetylene gas or storage thereof, acid, asbestos, ammonia, bleaching powder or chlorine, asphalt or products thereof, cement, lime, gypsum or plaster of Paris, coal, tar or derivatives thereof, creosote or creosote treatment, clay tile or vitrified products, emery cloth or sandpaper, explosive or fireworks or storage thereof, fertilizer, glue, size or gelatin, linoleum, matches, paint, oil, shellac, turpentine or varnish, rubber and gutta percha products soda compounds
  - (b) Petroleum refining, tanning, curing, storage of hides and skins, boiler works, foundry or forge operation; incineration, reduction or dumping of offal, dead animals, garbage, or refuse; fat rendering; distillation of bones, coal, or wood

- (c) Any use that may be obnoxious or offensive by reason of emission of odors, dust, smoke, gas, noise, or vibration
- (6) Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, or other inflammable liquids or gases but not when located within 500ft of any residential district
- (7) Junk yards provided that the following provisions are met:
  - (a) No such operation shall be permitted to locate closer than 300ft to a residential district and no closer than 50ft to any property line
  - (b) No such operation shall be permitted to locate on or facing a State or Federal highway
  - (c) All such operations shall completely be enclosed by an opaque fence or wall, except driveway areas, having a minimum height of 6ft, but no case less than such height as will affectively screen all operations from view
  - (d) The number of vehicular driveways permitted on any single street frontage shall be limited to one per 500ft with a maximum of 20ft driveway width

## **Section 65      A-C Agricultural – Conservation District**

The intentions of this district are:

- (1) The preservation of prime agricultural/forestry land for those uses for which it is well suited and for which there is need and to protect it from unplanned, poorly planned, and inappropriate uses
- (2) Provide control of the spread or urban development in rural areas in a scattered, ineffective manner which may create conflict with agricultural and forestry uses and place undue economic burdens on rural residents for the provision of urban services
- (3) The preservation of valuable natural areas needed for additional and expanded municipal water supply, outdoor recreation, open space, and enjoyment of scenic resources, and to prevent intense development in areas unsuited for this type of development because of soils, water table, drainage, and other characteristics of the land
- (4) The use as a holding district for land currently underdeveloped, the future development of which is uncertain or for which an urban use zoning would be premature and unreasonable due to the pace of local development

### **65.1   Agricultural-Conservation (A-C) District**

The following uses are permitted:

- (1) Crop & fiber production
- (2) Livestock production
- (3) Fish hatcheries & fish farms
- (4) Farmhouses
- (5) Barns, stables, silos, & other structures related to the uses listed above
- (6) Rural, non-farm residences on parcels of land of one acre or more

**Section 66.**

**Permitted Uses Upon Appeal**

The following uses may be permitted upon an appeal to the Ashford Zoning Board of Adjustment ad Appeals in the Districts indicated below:

**Land Use**

**District(s) in which permitted upon appeal**

Cemetery	A-C, R-1, R-2, R-3, M-1
Funeral Home	C-2
<u>Places of assembly</u>	
• Stadiums	R-1, R-2, R-3, C-1, C-2
• Coliseums	
• Auditoriums	
Travel Trailer Park	M-1, A-C, FH
Churches	Any district
Home Occupations	
<b>*Provided the requirements in Sec. 84 are met*</b>	Any District
Kindergarten	
Play schools	R-1, R-2, R-3, C-1, C-2
Daycare Centers	
Public Schools	R-1, R-2, R-3, C-1, C-2
Private Schools <b>*business &amp; trade schools excluded*</b>	
Public utility structures & buildings provided that the installation is properly screened. No office or equipment shall be stored on site	R-1, R-2, R-3, C-1, C-2
Golf, swimming, tennis, privately owned & operated country clubs, community clubs, associations, athletic fields, parks, & recreation areas, provided that no buildings for such purposes located within 100ft of any property line	R-1, R-2, R-3, C-1, C-2
Hospitals	
Clinics	
Convalescent Homes	R-1, R-2, R-3, C-1, C-2
Nursing Homes	

**Land Use**

**District(s) in which permitted  
upon appeal**

Libraries

Museums

R-1, R-2, R-3, C-1, C-2

Uses in a Flood hazard District  
approved by the Planning Commission  
in accordance with Sec. 63

FH

Manufactured home or travel trailer permitted  
as a construction and/or security office per  
Sec. 81

Any District

Manufactured home or travel trailer permitted  
as a business office per Sec. 81

C-1, C-1, M-1, M-2

## **Section. 67**

## **Ashford Downtown Zoning Overlay District**

### **67.1 Uses Permitted**

- (1) All principal uses within the Downtown Overlay must be within a permanent building, except farmers markets, seasonal sales, parks, other recreation, and entertainment uses. Outdoor sales, work areas and storage yards are permitted only as accessory uses to a permitted use carried on within a permanent building
- (2) Sales and rental of automobiles, manufactured homes, heavy vehicles, and equipment is prohibited unless carried on within a permanent building
- (3) Automotive repair establishments are permitted if access to automotive bays is located away from the street to a practical degree. In no case may more than one repair bay have direct access to Broadway St
- (4) Businesses may include drive-thru facilities provided all associated elements, including the drive-thru lane, order, and pickup stations are not located between the principal building and Broadway St

### **67.2 Development Standards**

- (1) Lot area, width, and coverage of properties within the Downtown Zoning Overlay, including those containing residential uses, are exempt from the lot area, width, and coverage requirements of Sec. 71
- (2) Outdoor work areas and storage yards, including those used to store vehicles before, during, and after repair, must be located away from the street and screened from street view from adjacent residential properties
- (3) Building entrances must be setback from the front lot line. So, that doors do not swing out into the public sidewalk. This area needs clarification to address non-conforming businesses
- (4) Portable and manufactured homes may not be used as principal buildings. They may be used for the conduct of business temporarily during renovation of an existing building or construction of a new building. Portable structures and manufactured homes may be used as accessory structures provided, they are not larger than the principal building and is placed on the premises, to a practical degree. It must be away from street view and not extend closer to the street than the principal building
- (5) Properties within the Downtown Overlay District are exempt from the off-street parking requirements in Sec. 52, but must meet the following requirements:
  - (a) Off-street parking areas, constructed after the effective date of this Ordinance, may not be placed between the principal structure and a lot line along the street right-of-way

- (b) A landscaped strip at least 5ft in width must be maintained between any off-street parking areas in the Downtown Overlay District and any adjoining residential properties that are not within the Downtown Overlay District

### **67.3 Signage**

The properties within the Downtown Overlay District are subject to the requirements of Sec. 87 Signs, except as follows:

- (1) Freestanding and ground signs are prohibited, except when the principal building is set back at least 25ft from the front lot line along which the freestanding or ground sign is to be oriented. When permitted, freestanding or ground signs may not exceed 6ft in height measured from ground level at the sign
- (2) Signs that advertise a use, product, service, or activity occurring on a lot or parcel other than where the sign is located are prohibited. This does not include signs containing only non-commercial speech
- (3) Temporary signs may be placed on the public sidewalk provided that a clear width of at least 5ft is maintained for pedestrian movement. Temporary signs may remain on a public sidewalk only during those hours during which the business is open
- (4) Wall-mounted signs may extend more than 12inches from the building wall provided that, if the sign extends into a public right-of-way or sidewalk, a clear height of at least 8ft is maintained from ground level to the bottom-most edge of the sign



# Article VII

## Other requirements by Districts

### Section 71. Minimum lot area, width, & maximum coverage

#### 71.1 Single & Two-family Residential Dwelling Units

Within use districts permitting single and two-family residential dwelling units, the following minimum lot areas, minimum lot widths and maximum lot coverage shall apply

	<u>Min. Lot Area</u> <u>Sq Ft</u>	<u>Min. Lot Width</u> <u>Measure at Building Line</u>	<u>Min. Lot</u> <u>Coverage %</u>
<b><u>R-1</u></b>			
Residential Single family			
Septic tank & Well	22,500	100ft	25%
Septic tank	15,000	100ft	25%
<b><u>R-2</u></b>			
Residential Single Family			
Septic tank & Well	20,000	100ft	40%
Septic tank	15,000	90ft	40%
<b><u>R-2</u></b>			
Two-family (duplex)			
Septic tank & Well	20,000	100ft	40%
Septic Tank	15,000	90ft	40%

**71.2 Multi-family Residential Dwelling Units**

**71.21**

The districts permitting multi-family dwellings, the basic minimum lot areas shall be 7,500 sq ft in R-3 & C-1 Districts and 6,000 sq ft in C-2 Districts unless the following lot area & lot coverage requirements specify that a larger lot is necessary

<b>Min. # of Units</b>	<b>Lot Area Sq Ft Sq Ft per unit R-3 &amp; C-1 Districts</b>	<b>Lot Area Sq Ft per unit C-2 Districts</b>	<b>Max. Lot Coverage %</b>
3	2,500	2,000	40%
6	1,750	1,250	40%
16	1,500	1,000	30%
20	1,250	875	30%
24	1,000	750	25%

**71.22** The districts permitting multi-family residential dwelling units, the minimum lot width measured at the building line shall be 85ft

**71.23** Multi-family dwellings shall be permitted only in areas which are served by sanitary sewer collector lines which are tied into the municipal sanitary sewer system. All multi-family dwellings must be connected to the municipal sewer system

**71.24** The Planning Commission shall, in order to ensure harmony with the character of an existing neighborhood, approve all development plans for multi-family structures with the exception of duplexes

**Section. 72**

**Minimum Setbacks**

The zoning districts herein defined, the following minimum setbacks shall apply

<b><u>Zoning District</u></b>	<b><u>Front Yard</u></b>	<b><u>Rear Yard</u></b>		<b><u>Side Yard</u></b>	<b><u>Corner Lot Side Yard</u></b>	
	Arterial & Collector Streets	Local Streets			Arterial & Collector Streets	Local Streets
R-1 Residential	40'	30'	35'	10'	40'	30'
R-2 Residential	40'	25'	35'	10'	40'	25'
R-3 Residential One & Two Family	40'	25'	35'	8'	40'	25'
Multi-Family	25'	25'	35'	a	25'	25'
C-1 Central Business District Multi-Family	25'	25'	35'	a	25'	14'
Commercial	<b>Not Specified</b>		b	c	<b>Not Specified</b>	
M-1 Wholesale Light Manufacturing	50'	30'	d	d	50'	30'
M-2 General Industrial	50'	30'	d	d	50'	30'
RMH Residential Manufactured Home	<b>See Sec 81.2</b>					

- a- 8ft plus additional 2ft for each story floor above two-stories, but not exceeding 20ft; and when dwelling unit faces side yard, the dwelling unit shall not be less than 20ft from the side lot line
- b- None, except when abutting residential district and then not less than 20ft
- c- None, except when abutting residential district and then not less than 25ft
- d- None, except when abutting residential district and then not less than 50ft

# **Article VIII**

## **Special Provisions**

### **Section 81. Manufactured Home & Travel Trailers**

#### **Manufactured Homes:**

It is the intent of this Section that manufactured homes and travel trailers be restricted to designated parks within the corporate limits of the City of Ashford, except as permitted in Sec. 55, Sec. 62.22, and as authorized by a Special Exception issued by the Board of Adjustment

- (1) All manufactured homes and travel trailers, except as provided for in Sec. 55, Sec. 62.22, and this Section, shall be located in approved parks regardless of whether or not such manufactured homes or travel trailers are occupied. Manufactured homes and travel trailer parks shall be permitted only in districts zoned for such purposes in accordance with all provisions of this Ordinance
- (2) It shall be unlawful for any manufactured home or travel trailer to be parked within the corporate limits of the city for any purpose at a site other than a designated park complying with the provisions of this Ordinance unless the Board of Adjustment grants a Special Exception as follows:
  - (a) A manufactured home or travel trailer may be temporarily parked and used as a bona fide construction office and the quarters of a lone night watchman at a construction site in any district provided a Special Exception is obtained from the Board of Adjustment. The Special Exception shall expire upon completion of the construction for which the Special Exception is issue
  - (b) Special Exceptions may be granted upon appeal to the Board of Adjustment for business use of travel trailers or manufactured homes in a C-1, C-2, M-1, or M-2 district upon showing catastrophic circumstances created by acts of God or casualty damages. Such Special Exception will be valid for a period not exceeding (1) year and are not transferrable
- (3) All manufactured homes initially placed or replaced in a manufactured home park in accordance with this Ordinance shall have been manufactured within the previous (5) years
- (4) Custom constructed or manufactured residential buildings of between 400 & 1000 sq ft intended for rental may be in a Residential Manufactured Home district provided they are placed on a permanent foundation in accordance with applicable building codes

**81.1 Travel Trailer Parks**

In any district where travel trailer parks are permitted, the applicant shall submit to the Zoning Enforcement Officer, a lay-out of the park subject to the following conditions:

**81.11**

No travel trailer park shall be located except with direct access to a County, State, or Federal highway, with a minimum lot width of not less than 50ft for portion used for entrance and exit. No entrance or exit shall be through a residential district

**81.12**

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

**82.13**

Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws & ordinances of the Council. The Spaces shall be rented by the day or week only. The occupant of such space shall remain in the trailer park for a period of no more than (30) days

**81.14**

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

- (1) Such establishments and the parking area primarily related to their operations shall not occupy more than 10% of the area of the park
- (2) Such establishments shall be restricted in their use to occupants of the park
- (3) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park

**81.15**

No space shall be so located that any part intended for occupancy for sleeping purposes shall be within 30ft of the right of way line of any freeway, expressway, or collector street, or of any minor street

**81.16**

In addition to meeting the above requirements, the travel trailer park site plan shall be accompanied by a certificate of approval of the Houston Co. Health Dept

**81.2 Manufactured Home Parks**

In any district where manufactured home parks are permitted, the applicant shall submit to the Zoning Enforcement Officer, a lay-out of the park subject to the following conditions:

**81.21**

The minimum lot area per park shall be (5) acres and the minimum lot width for portions used for the entrance and exit shall be 50ft: and the minimum lot width for portion containing manufactured home spaces, or stands, shall be 50ft

**81.22**

The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be (8) and the minimum area for each manufactured home space or stand shall be 3,500 sq ft for “singlewides” and 4,5000 sq ft for “doublewides”

**81.23**

Open space requirements for each manufactured home lot shall be as follows: front yard 15ft; back yard 15ft; side yard 15ft.

**81.24**

No manufactured home shall be admitted to any park unless it can be demonstrated that it meets the requirement for any additional laws and ordinances of the Council

**81.25**

Convenience establishments of a commercial nature, including stores, laundry, dry cleaning establishments, pick-up laundry, dry cleaning agencies, beauty shops, and barber shops may be permitted in manufactured home parks provided that such establishments & parking areas primarily related to their operations, and provided they:

- (1) Shall not occupy more than 10% of the area of the park
- (2) Shall be subordinate to the residential use and character of the park
- (3) Shall be located, designed, and intended to serve frequent trade or service needs of persons residing in the park
- (4) Shall present no visible evidence of their commercial character from any portion of any residential district outside the park

**81.26**

In addition to meeting the above requirements the manufactured home park site plan shall be accompanied by a certificate of approval from the Houston Co. Health Dept

**81.27**

All manufactured homes shall be securely anchored and tied down in accordance with Alabama State Law

**Section 82.**                      **Accessory & Temporary Buildings**

**82.1**    **Accessory Buildings**

The location of accessory buildings and uses in residential districts must meet the following requirements listed below:

**82.11**

Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore such requirements applicable to the main building are applicable to the accessory building

**82.12**

A detached accessory building, shall not be closer than 15ft to the main building, nor closer than 10ft to the lot line

**82.13**

A detached accessory building, not more than (2) stories in height, may be constructed on not more than 30% of the rear yard

**82.14**

No detached accessory building may be located on the front yard lot

**82.2**

Temporary Buildings used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction

**82.3**

Residential fences – chain link, wood picket, brick, vinyl, masonry or stone fence of a permanent nature.

- Fences shall be at least 5' from roadway or right of way.
- Fences shall be no more than 6' in height.
- Chain link fences shall not be allowed in front yards.

## **Section 83.**

### **Fall-out Shelters & Storm Shelters**

Fall-out shelters and storm shelters are permissible as principal or accessory uses and structures in any district, are subject to the following conditions below:

#### **83.1**

If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Zoning Enforcement Officer

#### **83.2**

If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements

#### **83.3**

A fall-out shelter or storm shelter, underground or above ground, shall be confined to a side or rear yard. It shall not be located in the front yard between the main building and the street on which it fronts

#### **83.4**

Fall-out shelters and storm shelters may contain or be contained in other structures or may be constructed separately



## **Section 84.                  Home Occupation**

### **84.1 Special Requirements**

Home Occupations, where permitted, must meet the following special requirements listed below:

#### **84.11**

The applicant must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant

#### **84.12**

The home occupation shall be operated only by the members of the family residing on the premises and no article or service shall be sold or offered for sale except as may be produced by members of the immediate family residing on the premises

#### **84.13**

The home occupation shall be restricted to the main building only and shall not occupy more than 25% of the floor area within the said building

#### **84.14**

The home occupation shall not generate excessive traffic or produce obnoxious odors, glare, noise, vibration, electrical disturbance, or radioactivity or other conditions detrimental to the character of the surrounding area

#### **84.15**

The building in which the home occupation is to be located must be an existing structure ready for occupancy and not a proposed structure

#### **84.16**

Any business sign placed on the premises shall not be larger than 2 sq ft in sign area

## **Section 85.                  Automobile Service Stations**

Within the districts permitting automobile service stations, the following requirements shall apply:

### **85.1 Location**

The property on which an automobile service station is located shall not be within 100ft of any residential district, or any property containing a school, public library, institution for children or dependents

### **85.2 Site Requirements**

An automobile service station shall have a minimum frontage on the primary street 120ft, and a minimum are of 12,000 sq ft. All buildings shall be set back 40ft from all street right of way lines and all canopies shall be set back 15ft from all street right of way lines

### **85.3 Access to Site**

Vehicular entrances or exits at an automobile service stations:

#### **85.31**

Shall not be provided with more than two curb cuts for the first 120ft of street frontage or fraction thereof

#### **85.32**

Shall contain an access lane along the curb line of the street of not more than 40ft as measured parallel to the street at its narrowest point and shall not be located closer than 20ft to a street intersection or closer than 10ft to an adjoining property

#### **85.33**

Shall not have any two driveways, or curb cuts, any closer than 20ft at both the right of way line and the curb or edge of the pavement along a single street

### **85.4 Gasoline Pump Islands**

All gasoline pump islands shall be set back at least 15ft from the right of way lines, or where a future widening line has been established, the setback line shall be measured from such line; and where pump islands are constructed perpendicular to the right of way line; however, the pumps shall be at least 60ft from the center line of an arterial street, 55ft from the center line of a collector street, and 45ft from the center line of other streets

### **85.5 Off-street Parking**

A minimum of (2) off-street parking spaces are required with an additional off-street parking space for each lubrication or wash bay

### **85.6 Other Site Improvements**

In addition to the above requirements, the following additional site improvements shall be adhered to:

**85.61**

A raised curb of at least 6 inches in height shall be erected along the street property lines, except for driveway openings

**85.62**

A solid fence or wall 6ft in height shall be erected along all adjacent property lines facing any adjacent residential lot

**85.63**

Exterior lighting shall be arranged so that it is deflected away from adjacent properties

**85.64**

All drives, parking storage, and service areas shall be paved and curbed, and a good stand or grass shall be maintained on the remainder of the lot

**85.7 Storage of Inflammable Products**

Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any automobile service station in all zoning districts

## **Section 86.**

## **Cemeteries**

The districts permitting cemeteries, the following requirements shall apply:

### **86.1**

The site proposed for a cemetery shall not interfere with the development of a system collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare

### **86.2**

Any new cemetery shall be located on a site containing not less than 20 acres

### **86.3**

All new structures shall be set back not less than 25ft from any property line or minor street right of way lines

### **86.4**

All graves or burial lots shall be set back not less than 25ft from any property line or minor street right of way lines and not less than 50ft from any collector, arterial, expressway, or freeway right of way line

### **86.5**

The entire cemetery property shall be landscaped and maintained

### **86.6**

An application must be made to the Planning Commission for any extension of existing cemeteries

## **Section 87.**                    **Signs**

Signs are permitted in accordance with regulations listed below and in accordance with other applicable regulations of this Ordinance

### **87.1 Electric Signs**

No electric sign shall be located with the relation to pedestrian traffic as to permit such sign to be easily reached by any person. The bottom of such sign shall be located a minimum of 10ft above the grade immediately under said sign, if the sign is within 15ft of the edge of the street right of way

### **87.2 Unsafe Signs**

Signs that are structurally unsafe and thereby endanger the public safety must be removed unless they are repaired and made to otherwise comply with the requirements of this section

### **87.3 Free Standing Signs**

All free-standing signs shall be located, where permitted, according to the following standards and additional requirements listed elsewhere in this Ordinance

#### **87.31**

The sign shall be in a manner so as to not impair traffic visibility

#### **87.32**

The bottom of any free-standing sign located within 15ft of the edge of the street right of way line shall be a minimum of 10ft above the grade immediately under said sign

#### **87.33**

No portion of a free-standing sign including projections may extend into or over an existing public right of way unless permitted by the governing body, in writing

#### **87.34**

No free-standing sign shall exceed the building height requirements dictated for the zoning district in which the sign is to be located. Sign height shall be as measured from the street grade or sidewalk, whichever is less

### **87.4 Wall Mounted Signs**

Wall mounted signs are permitted subject to the following requirements:

#### **87.41**

No part of a wall sign may protrude more than 12 inches from the building wall. Exception in Overlay District

**87.42**

No part of a wall sign may cover any window, part of a window, or extend beyond the highest point of a roofline, parapet, or eave line

**87.43**

All wall signs must be permanently secured to the building in such as to not to create a public safety hazard

**87.44**

Principal buildings and service station canopies may have wall signs on all faces which front a public street

**87.45**

Wall sign area shall be no more than 1 sq ft of sign area per linear foot of building associated with the building face upon which the wall sign is affixed and in no case shall extend 100 sq ft

**87.5** **Ground Signs**

Ground signs are permitted subject to the following requirements

**87.51**

No part of a ground sign including projections may extend into or over an existing public right of way unless permitted by the governing body, in writing

**87.52**

All ground signs must be secured to the ground or affixed so as not create a public safety hazard

**87.53**

No ground sign standing sign shall exceed the building height requirements dictated for the zoning district in which the sign is to be located. Sign height shall be measured from street grade or sidewalk, whichever is less

**87.6** **Signs Permitted Without Permit**

**87.61**

Signs on interior window glass, regardless of size

**87.62**

Private unofficial traffic signs indicating directions, entrances or exits

**87.63**

Any flag, badge or insignia customarily displayed by any government or governmental agency or by any charitable, civic, fraternal, patriotic, religious, or similar organization

**87.64**

Temporary signs, banners, lighting and displays as part of customary holiday decorations and regularly scheduled civic events so long as said signs are not placed in any right of way. If such signs are placed in a right of way, a permit shall be required from the City along with written acceptance from the agency regulating and/or owning said right of way

**87.65**

No permit shall be required to change movable lettering on a permitted sign

**87.66**

Private unofficial signs not exceeding 4 sq ft in surface area pertaining to regulations, instructions, restrictions, or charge card services, and provide further, said signs do not display the name of a business. These signs shall be attached to a building, structure, and/or existing free-standing or ground sign that conforms to all sign regulations

**87.67**

Service stations or any business selling vehicle fuels are allowed to have, in addition to other signs permitted in this Ordinance

- (a) Fuel price and/or self-service signs located at and secured to each pump island

**87.68**

Permanent municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulation signs with a maximum surface area of 32 sq ft. Such signs shall not include identification signs

**87.69**

A sign advertising the sale of produce out of a home garden on the premises where the produce being sold shall be permitted. Said sign shall have a maximum are of 10 sq ft

**87.610**

Public signs regulating traffic

**87.611**

Signs required to be posted by law

**87.612**

“Warning” signs and “no trespassing” signs

**87.613**

Temporary signs involved in campaigns of religious, charitable, civic, fraternal, political, and similar organizations located on private property. said signs may be placed no greater than 30 days prior to the scheduled election or event. Said signs shall be removed by the property owner or the party(ies) who originally placed the signs within 7 days of the termination of the event advertised

**87.614**

Temporary real estate signs not exceeding 12 sq ft each in any residential zone and 20 sq ft in other zones

**87.7 Prohibited Signs**

The following signs are expressly prohibited within all zoning districts

**87.71**

Any sign which obstructs the view of bicyclists or motorist using any street, private driveway, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal

**87.72**

Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists

**87.73**

Signs, lights, rotating disks, words, and other devices which resemble traffic signals, traffic signs or emergency vehicle lights

**87.74**

Signs, lights, rotating disks, words, and other devices not erected by public authority which may be erroneously constructed as governmental signs or emergency warning signs

**87.75**

Any sign which interferes with free passage from or obstructs any fire escape, downspout, window, door stairway, ladder, or opening intended as a means of ingress or egress or providing light or air

**87.76**

Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street, or right of way, unless authorized by the City Council

**87.77**

Flashing lighted signs (except signs which give time and temperature and similar public information messages)

**87.78**

The tacking, posting, or otherwise affixing of signs of a miscellaneous character visible from a public way located on the outside walls of a barn, shed, or on a tree, pole, fence, or other structures shall be permitted so long as said signs are located outside the public right of way



## **87.8 Signs Permitted in Residential Districts**

### **87.81**

Signs on premises of single-family and two-family dwellings, group homes, mobile homes and small group daycare centers are regulated as followed:

- (a) Types of signs permitted: Identification
- (b) Permitted number of signs: One per dwelling unit
- (c) Maximum area of signs: 3 sq ft
- (d) Permitted location: Behind the street right of way

### **87.82**

Signs on premises of mobile home parks, are regulated as follows:

- (a) Type of sign permitted: Identification
- (b) Permitted number of signs: 1 per street front
- (c) Maximum area of signs: 20 sq ft
- (d) Permitted location: Behind the street right of way line

### **87.83**

Signs on all non-residential uses in a residential district:

- (a) Types of signs permitted: Identification and bulletin board
- (b) Permitted number of signs: One identification and one bulletin board each if one principal building is involved. A third sign is permitted if the building located on a through lot or has frontage on (2) or more streets. If more than one principal building is involved, one identification and one bulletin board for the first principal building is permitted plus identification sign for each additional principal building
- (c) Maximum area of signs:
  - (1) One principal building: No sign shall be greater than 30 sq ft
  - (2) Two or more principal buildings: No sign shall be greater than 30 sq ft for the first principal building and all signs for each additional building shall be no greater than 15 sq ft

- (d) Permitted location- Behind the street right of way line

## **87.9 Signs permitted in the Commercial, Wholesale & Industrial District**

### **87.91**

On premise signs for any permitted use shall be regulated as follows:

- (a) Type of signs permitted: Business & Identification
- (b) Permitted number of signs:
- (1) Free-standing- One only except plus additional free-standing sign may be permitted on through lots or lots having frontage on two or more streets
  - (2) Ground- One only except that an additional ground sign permitted on through lots or lots having frontage on two or more streets
- (c) Maximum area of signs:
- (1) Attached- 1 sq ft of aggregate sign area per linear ft of building street frontage up to a maximum of 100 sq ft per premises regardless of the number of establishments occupying such premises
  - (2) Free-Standing- Sign shall have a maximum area of 100 sq ft when said sign fronts on a street containing (4) or more traffic lanes; a maximum of 75 sq ft shall be permitted on signs which front on streets containing (3) or less traffic lanes. If said sign faces more than (1) street, then for the purpose of determining permitted area, the greater area allowance shall govern. If a second free-standing sign is permitted, it shall be no greater than ½ of the area of the first sign
  - (3) Ground- 20 sq ft
- (d) Permitted location:
- (1) Attached- Signs shall be located on the building and may not extend above the roof line and/or parapet of the building but

may not protrude more than 12 inches from any building wall or marquee face

(2) Free-standing- The maximum height shall be 25ft if the sign fronts on a street containing (4) or more lanes of traffic; a maximum height of 20ft is permitted if the sign is located on streets containing (3) or less lanes of traffic. If said sign faces (2) or more streets, then for the purpose of determining area, the greater area allowance shall govern

(3) Ground- Behind the street right of way line

### **87.92 Shopping Center Identification**

(a) Type of sign permitted- Shopping Center Identification

(b) Permitted number of signs- A shopping center containing (3) or more businesses with separate entrances shall have no more than (1) free-standing identification sign giving the names of the businesses located in the shopping center. A 2<sup>nd</sup> sign is permitted if the shopping center is located on a through lot or a lot having frontage on two or more streets. No other free-standing signs shall be allowed. Such sign shall be in accord with this Ordinance

(c) Maximum area of signs- The first sign, 100 sq ft provided that no portion of the sign advertising a particular business shall be in excess 20 sq ft. If a 2<sup>nd</sup> sign is permitted, it shall be no greater than half the size of the first sign

(d) Permitted location- The maximum height of said free-standing sign shall be 35 ft if the sign fronts a street containing (4) or more lanes of traffic; a maximum height of 25ft is permitted if the sign is located on streets containing (3) or less lanes of traffic. If said sign faces (2) or more streets, then for the purpose of determining area, the greater area allowance shall govern

### **87.93 Advertising signs permitted in Commercial, Wholesale, & Industrial Districts**

(a) Advertising signs may be located on either a developed or undeveloped lot. No advertising sign shall be located within 100ft of a residential structure located in a residential district. If an advertising sign is located within 175ft of residential structure located in the zone listed above, it shall maximum area of 100 sq ft

- (b) An advertising sign must be located at least 750ft from any other advertising sign on the same side of the road, and at least 100ft from any other advertising sign on the opposite side of the road. The distance between signs will be measured along the centerline of the road from which the sign is intended to be viewed, and from the point of the perpendicular intersection of the centerline and a line projected from the center of the sign
- (c) All advertising signs shall be located at least 750ft from any portion of the lot containing the principal use being advertised. Lighted signs must not interfere with the effectiveness or obscure any official traffic sign, device, or signal. Lighted signs must be constructed to prevent beams or rays of light of such intensity or brilliance as to cause glare or to impair the vision of drivers
- (d) Where an advertising sign has two or more faces, the combined area of all faces will be included in determining the area of the advertising sign. Where sign faces are placed back-to-back or in a v-shape, the area of the sign shall be the combined area of the faces on one side only. The greatest distance separating the faces of back-to-back sign may not exceed 10ft. The faces of a v-shaped sign must not form an angle which exceeds 90 degrees. An advertising sign shall have only one message per face
- (e) The area of signs composed in whole or in part of free-standing letters, devices or sculptured matter not mounted on a measurable surface will be the area of the smallest single regular plane figure that will enclose all of the letters, devices and/or sculptured matter. This area will also include any ornamental base, apron, support, or other structural members if they contain any writing, numbers, symbols, or lights other than for identification of the owner of the sign and/or illumination which in any way may augment or attract attention to the message of the sign. The name of the sign company is not subject to this limitation unless the smallest single regular plane figure which will enclose it exceeds 6sq ft
- (f) Advertising signs shall be limited to a height of no greater than 25ft. if an advertising sign is located within 10ft of any street right-of-way line, the base of the advertising sign shall be minimum of 10ft in height

- (g) No permit will be issued for an advertising sign to be erected within 20ft of an existing principal building, provided that the foregoing restriction applies only to initial erection of advertising signs, does not restrict the construction, alteration, or maintenance of a principal building within 20ft of an advertising sign, and does not restrict the maintenance or alteration of an advertising sign within 20ft of a principal building

**87.10**            **Nonconforming Existing Signs**

**87.101**            **Nonconforming Advertising Signs**

Allowed to continue provided as followed below:

- (a) No structural changes to the support structure or changes to the sign face itself except message changes which do not renew or extend the life of said sign shall be allowed
- (b) Once a nonconforming advertising sign is removed, taken down, or destroyed (i.e., receiving damage to an extent or more than 40% of the replacement cost at the time of the destruction), such sign shall not be replaced with another sign unless in conformance with this Ordinance

**87.102**            **Nonconforming Business or Identification Signs**

Allowed to continue provided as followed below:

- (a) Nonconforming signs may be repaired and/or repainted or re-lettered provided such nonconformance is not increased
- (b) Once a nonconforming business or identification sign is removed, taken down, or destroyed (i.e., receiving damage to an extent of more than 40% of replacement cost at the time of destruction), such sign shall not be replaced with another sign unless in conformance with this Ordinance

**87.11**            **Signs Permitted Under Special Exception**

Applicants for signage are expected to restrict the design and usage of signage per this Ordinance to maintain City of Ashford's aesthetics, quality, visibility, and safety standards. Early and frequent discussions between the sign owner, contractor, and the city building officials during the permitting and building processes can mitigate misunderstandings and make these processes proceed more smoothly. However flexible the Ordinance requirements may be, city officials are legally required to ensure the requirements are not deviated from, thus creating a non-conformance. Therefore, issues with minor deviations from

requirements may occur that may be beyond the control of the sign owner or building official to resolve but may force the owner or contractor to expend significant resources to remedy a minor deviation from building requirements. When such situations occur during the permitting process, the sign owner, building owner or construction contractor may request upon an appeal to the Zoning Board of Adjustment that a Special Exception be issued to allow a sign design that is otherwise non-conforming

## **Article IX**

### **Exceptions & Modifications**

#### **Section 91.**                    **Yard Requirements**

Yard requirements shall be modified subject to the following conditions:

**91.1**

On double frontage lots, the required front yard shall be provided on each street

**91.2**

Whenever a rear property line of a lot abuts upon an alley, one-half of the alley width shall be considered as a portion of the required rear yard

**91.3**

An unroofed porch shall project into a required front yard for a distance not exceeding 10ft

**91.4**

The front and side yard requirements may be waived where dwellings occupy space above commercial uses upon approval of the Board of Adjustment

#### **Section 92.**                    **Access to Public Streets**

Access to public streets shall be maintained in accordance with the following requirements:

**92.1**

Each principal use shall be located on a lot or parcel which provides frontage on a public street having a right of way of not less than 30ft

**92.2**

Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least 15ft in width

**Section 93.**                    **Lots of Record**

Where the owner of a lot of record or his successor to the title thereto does not own sufficient land to enable him to conform to the dimensional requirements of this Ordinance, the following exceptions may be allowed:

**93.1**

Land use where a lot, tract, or parcel of land has an area or width that does not conform to the requirements of the district in which it is located, said lot may be used for single-family dwelling (except in the C-1 Central Business/Local Shopping District, M-1 Wholesale and Light Manufacturing District, and M-2 General Industrial District)

**93.2 Replotting**

When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application such lots have a frontage or lot area that is required by the use district in which they are located, such lots shall be re-plotted or re-parceled so as to create one or more lots which conform to the minimum frontage and area requirements of the use district

**93.3 Improvements**

Buildings or structures located on substandard lots of record may be improved only when the addition of adequate plumbing is required by the laws and ordinances of the Council, provided that the yard requirements in Sec. 83 are adhered to

**93.4 Side Yard Requirements**

The side yard requirements for substandard lots of record may be reduced for each side yard at the rate of 1ft for each 4ft by which the lot width lacks 50ft, provided in no event shall such side yard be reduced to less than 5ft on each side

**Section 94.**                    **Front & Side Yard Setbacks for Dwellings**

The setback requirements of this Ordinance for side yards or corner lots and/or front yards shall not apply to any lot where the average setback on developed lots located, wholly or in part, 100ft on each side of such lot within the same block, zoning district, and fronting on the same streets as such lot, is less than the minimum required setback.

In such cases, the setback on such lot may be less than the required setback, but not less than the average of the existing setbacks on the existing developed lot

## **Article X**

### **Zoning Administration**

#### **Section 101. Duties & Powers of the Zoning Enforcement Officer**

The Zoning Enforcement Officer shall be the Building Inspector of the City of Ashford, Alabama, or any public official of the said city designated by the Mayor or the Council of the said city. If there's no building inspector, whose duties and powers are as followed:

##### **101.1**

The Zoning Enforcement Officer is authorized and empowered on behalf and in the name of the Council to administer and enforce the provisions of this Ordinance to include receiving applications, inspecting premises, and issuing Certificates of Zoning Compliance and Certificates of Occupancy for uses and structures which are in conformance with the provisions of this Ordinance

##### **101.2**

The Zoning Enforcement Officer does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearing before the Board of Adjustment, the Commission, and/or the Council

##### **101.3**

The Zoning Enforcement Officer shall keep records of all and any permits, Certificates of Occupancy issued, and all submitted Subdivision Plats, with notations of all special conditions involved. The Zoning Enforcement Officer shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records in their office and shall be made as a public record



**Section 102.**                    **Permits & Certificates**

Permits and certificates shall be issued in accordance with the following provisions:

**102.1 Zoning Compliance Permit**

The Zoning Enforcement Officer shall issue a Zoning Compliance Permit, which may be incorporated into the Building Permit issued under the Building Code adopted and in effect by the Council, for any permitted use or structural alteration provided such proposed use of land or structural alteration is in conformance with the provisions of this Ordinance

**102.11**

An application shall be accompanied by (2) copies of dimensional sketch or a to-scale plan, signed by the owner, or his authorized agent, to include, as a minimum the following: lot dimensions with property line monuments located thereon; shape, size, height, and location of the buildings proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot; yard dimensions and the use of structures including the number of dwelling units within each structure where appropriate; easements (private and public); water courses; fences; street names and street right of way lines; and such other information regarding abutting property as directly affects the application

**102.12**

Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction or reconstruction

**102.13**

If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provision of this Ordinance, and other appropriate codes and ordinances of the Council which are in effect, the Zoning Enforcement Officer shall sign and return one copy of the sketch or plan to the applicant and shall issue a Zoning Compliance permit. The Zoning Enforcement Officer shall retain one copy of the Zoning Compliance Permit and one copy of the sketch or plan for his records

**102.14**

If the sketch or plan submitted describes work which does not conform to the requirements of this Ordinance, the Zoning Enforcement Officer shall

not issue a Zoning Compliance Permit but shall return one copy of the sketch or plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for the refusal and shall cite the portions for this Ordinance with which the submitted sketch or plan does not comply. The Zoning Enforcement Officer shall retain one copy of the sketch or plan and (2) copies of the refusal

**102.15**

Any Zoning Compliance Permit shall automatically expire (6) months from the date of issuance if the person, firm or corporation to which the certificate or permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one year

**102.2 Certificate of Occupancy**

Certificate of Occupancy shall be issued by the Zoning Enforcement Officer in accordance with the following provisions:

**102.1 Certificate of Occupancy**

A Certificate of Occupancy is required in advance of occupancy or use of:

- (1) A building hereafter erected
- (2) A building hereafter altered as to affect height, side, front, or rear yards
- (3) A change of type of occupancy or use of any building on premises

**102.22 Issuance of Certificate of Occupancy**

A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to applicable provisions of this Ordinance, or unless the building, as finally constructed, compiles with the sketch plan upon which the Zoning Compliance Permit was issued

**Section 103.**                    **Establishment of the Board of Adjustment**

The Board of Adjustment of the City of Ashford, Alabama, is hereby established

**103.11**                    **Initial Appointment**

The initial appointment for the Board of Adjustment shall be as follows: Two members for one year; two members for two years; and one member for three years

**103.12**                    **Vacancies**

Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall be removable for cause by the Council upon written charges and after public hearing thereon

**103.13**                    **Public Offices Held**

No member shall hold any other public office or position, except that one member may be a member of the Commission

**103.2**                    **Rules of Procedure**

The Board of Adjustment shall observe the following procedures:

**103.21**

The said Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs

**103.22**

The said Board of Adjustment shall elect one of its members, other than a member of the Commission, as Chairman, who shall serve for one year or until they are re-elected, or a successor is elected. The said Board of Adjustment shall also elect one of its members as a Vice-Chairman and shall appoint a Secretary

**103.23**

The meeting of said Board of Adjustment shall be held at the call of the Chairman and at such other times as said Board may determine. The Chairman, or in their absence, the acting Chairman, may administer oaths and compel the attendance of witnesses by subpoena

**103.24**

All meetings of said Board of Adjustment shall be open to the public

**103.25**

The said Board 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 records of its examinations and other official actions, all of which shall be immediately filled in the office of the Board of Adjustment and shall be public record

**Section 104.                    Duties & Powers of the Board of Adjustment**

The Board of Adjustment shall have the following duties and powers:

**104.1**

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Enforcement Officer, or other administrative official, in the enforcement of this Ordinance

**104.2**

To hear and decide special exception of the terms of this Ordinance upon which said Board is required to pass under this Ordinance

**104.3**

Variances 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 will, in an individual case, result unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon finding by the Board of Adjustment that:

**104.31**

There are extraordinary and exceptional conditions pertaining to the piece of property in question because of its size, shape, or topography

**104.32**

The application of this Ordinance to this piece of property would create an unnecessary hardship

**104.33**

Such conditions are peculiar to the piece of property involved

**104.34**

Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; provided, however, that no variance be granted for a use of land, building, or structure that is prohibited by this Ordinance

## **Section 105.**

## **Procedure for Requesting a Hearing before the Board of Adjustment**

Requests for a hearing before the Board of Adjustment for an administrative review, special exception, or a variance shall observe the following procedures:

### **105.1**

An application must be submitted in writing to the Zoning Enforcement Officer from whom the appeal is taken and, to the Board of Adjustment, a notice of appeal specifying the grounds thereof

### **105.2**

An application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Zoning Enforcement Officer. Such site plan shall include, as a minimum, the following: lot dimensions with property line monuments located thereon; location and size of existing and proposed structures; easements (private and public), water courses existing and proposed; fences; street names and street right of way lines and such other information regarding abutting property as directly affects the application

### **105.3**

The Zoning Enforcement Officer shall cause to have posted in a conspicuous place on the property line in question one or more signs, each of which shall be less than 12sq ft in area, shall contain information as to the proposed change and the date and time of the public hearing, and the cost of each shall be paid by the applicant prior to the public hearing

### **105.4**

The Board of Adjustment shall fix a reasonable time for the hearing of appeals or other matters referred to said Board, give at least 15 days public notice thereof, as well as due notice to the parties in interest, and decide the same within 45 days from the date of such public hearing

### **105.5**

An appeal stays all legal proceedings in furtherance of the actions appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with them, by reason of facts stated in the certificate, a stay would, in their opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by

restraining order which may be granted by the said Board or by a court of record: on application, on notice to the Official from whom the appeal is taken and on due cause shown

**105.6**

In exercising the powers granted by the Board of Adjustment in Sec. 104 of this Ordinance, said Board may, in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order, requirements, decisions or determination of the Zoning Enforcement Officer and may issue or direct the issuance of a Zoning Compliance Permit

**105.7**

A property owner, or his appointed agent, shall not initiate action for a hearing before the Board of Adjustment relating to the same parcel of land more often than once every 12 months on the same variance

**105.8**

Any petition for a hearing before the Board of Adjustment may be withdrawn prior to action thereon by said Board at the discretion of the person, firm or corporation initiating such a request upon written notice to the Secretary of said Board

**105.9**

Any person or persons severally or jointly aggrieved by any decision of the Board of Adjustment may take, within 15 days thereafter appeal to the circuit court of like jurisdiction, by filing with such Board a written notice of appeal specifying the judgement of decision from which appeal is taken

## **Section 106.                  Procedure for Requesting a Zoning Amendment**

The Council may, from time to time, after maximum, review and public hearing thereon, amend, supplement or change the regulations and zoning districts herein or subsequently established, Proposals for zoning amendments, whether initiated by the Council, the Commission, or any person, firm or corporation, shall be treated in accordance with the following procedure:

### **106.1**

An application must be submitted in writing to the Zoning Enforcement Officer and must be accompanied with a site plan of the proposed use included in any petition for a zoning amendment. Such site plan shall include the existing land use on adjacent and surrounding properties. A petition for a zoning amendment shall not be submitted for a plat or land, or any portion thereof, more than once in 12-month period unless such petition is initiated by the Planning Commission

### **106.2**

The application shall be sent to the Planning Commission for review and recommendation to the City Council. The Planning Commission shall have 30 days within which to submit a report to the City Council. If the Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment.

### **106.3**

Whenever a proposed amendment to this Ordinance involves changing the zoning classification of a parcel of property from one district to another, the Zoning Enforcement Officer shall cause to have posted in a conspicuous place on said property, one or more signs, each of which shall not be less than 12sq ft in area, shall contain information as to the proposed change, the date, and time of the public hearing, and the cost of each sign shall be paid by the applicant prior to the public hearing

### **106.4**

Before enacting an amendment to this Ordinance, the City Council shall hold a public hearing to consider the amendment. Prior to this hearing, the proposed ordinances shall be published in full for one insertion and an additional insertion of a synopsis of the proposed ordinance, one week after the first insertion, which synopsis shall refer to the date and name of the newspaper in which the

proposed ordinance was first published; both such insertions shall be at least 15 days in advance of its passage and in a newspaper of general circulation published within the municipality, or if there is no such newspaper, then by posting the ordinance in four conspicuous places within the municipality, together with a notice stating the date, time, and place that the ordinance is to be considered by the City Council and stating further that at such time and place all persons who desire shall have an opportunity of being heard in opposition to or in favor of such ordinance

**106.5**

The Council shall hold a public hearing at the earliest possible time under the time limits spelled out above to consider the proposed zoning amendment and shall act on said proposed zoning amendment within 45 days from the date of the public hearing except in the case where the Council's tentative action is not in accordance with the Commission's certified recommendation. In such case, the Council shall not make any change in or departure from the text or maps, as recommended and certified by the Commission, unless such change or departure be first submitted to the Commission for an additional review and recommendation. The Commission shall have 30 days to resubmit its recommendation



**Section 110.**                      **Plan Review Fees**

The fees presented for plan review tasks are required in an effort to equally share the administrative and technical review costs associated with the review of plans between those completing development tasks and the City of Ashford. These fees, in addition to relevant permit fees, are to be paid in accordance with the schedules presented herein and within the City’s ordinances

**110.1**

Plan review fees are based upon the estimated total project construction valuation for all structures and improvements on site. Plan review fees are due at the time of plan submission. Plan review fees are summarized as followed:

<b><u>ID</u></b>	<b><u>Fee</u></b>	<b><u>Max. Fee</u></b>	<b><u>Exclusion</u></b>
IR.1	\$1.50 per \$1,000 of project value	\$7,500	Single-Family Residential Two-family Residential

Any plans marked as “Revise and Resubmit” or any modifications that result in the need for additional review will incur a supplemental review fee. This fee is as follows:

<b><u>ID</u></b>	<b><u>Fee</u></b>	<b><u>Max. Fee</u></b>	<b><u>Exclusion</u></b>
SR.1	\$.050 per \$1,000 of project value	\$2,500	Single Family Residential Two-family Residential

A pre-review meeting may be requested by any party submitting plans for review. While recommended, this is not required for submission. The fees charged for the review meeting are as followed:

<b><u>ID</u></b>	<b><u>Fee</u></b>	<b><u>Min. Time</u></b>
RM.1	\$150 per hour	1 hour

**110.2**

Three full size hard copy of the full set of plans along with a copy of the submitted plan in an electronic PDF format for each construction project are required. Plans and specifications shall be stamped by an architect and/or professional engineer in the State of Alabama as required by governing law. Any

plan submissions for additional or subsequent review must include all sheets of a plan set

## **Article XI**

### **Enforcement & Remedies**

#### **Section 111.**            **Penalties**

Any person violating any provision of this Ordinance shall be fined upon conviction, not less than \$2 or nor more than \$100 and the cost of court fees for each offense. Each day such violation continues shall constitute a separate offense

#### **Section 112.**            **Remedies**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure or land is or is proposed to be used in violation of this Ordinance, the Building Inspector, City Attorney, or other appropriate authority of the City of Ashford or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies, institute injunction, mandamus, or other appropriate action on proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use; or to correct or abate such violation; or prevent the occupancy of said building, structure, or land. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use continues shall be deemed a separate offense

## **Article XII**

### **Legal Status**

#### **Section 121.**                    **Conflict with Other Laws**

Whenever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted statutes, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern

#### **Section 122.**                    **Validity**

Each phrase, sentence, paragraph, section or other provision of this Ordinance is severable from all other such phrases, sentences, paragraphs, sections, and provisions. Should any phrase, sentence, paragraph, section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect any other portion or provision of this Ordinance

#### **Section 123.**                    **Repealed Resolution & Ordinances**

This Ordinance constitutes a plan of zoning, for the City of Ashford, Alabama, and all prior zoning ordinances of the City of Ashford, Alabama, are hereby superseded and repealed

#### **Section 124.**                    **Effective Date**

This Ordinance shall take effect and be in force from and after the date of its adoption

## **Errata**

The following corrections are noted:

- 1) Flood Hazard map is included in this Ordinance

The ordinance shall, pursuant to Alabama Code Section 11-45-8, be published by posting copies hereof in three (3) public places within the municipality, one of which will be the post office or the Mayor's office in the City of Ashford.

**ADOPTED AND APPROVED THIS 21<sup>ST</sup> DAY OF FEBRUARY 2023.**

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Mayor Carole Barfield

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Mayor Pro-Tem Ronnie Whitehead

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Councilmember John Massey

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Councilmember Josh Johnson

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Councilmember Blake Rosenkoetter

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Councilmember James Smith

Attest:

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Janet Rumley, City Clerk