

ZONING ORDINANCE
FOR
THE CITY OF ASHFORD, ALABAMA

December 15, 2014

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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.

ARTICLE I

PURPOSE AND 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; and

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 THIS 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 Definitions

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

- (1) Accessory use: A use customarily incidental to the principle use of the land.

- (2) Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

- (3) Building: Any structure attached to the ground and intended for shelter, housing, or enclosure of persons, animals, or property of any kind.

- (4) Building, Accessory: A subordinate building, the use of which is incidental to that of the dominant use of the main building or land.

- (5) Building, Alterations of: Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) or any addition to a building. In addition, a building shall be classified as altered when it is repaired, renovated, remodeled, or rebuilt at a cost in excess of \$500, or when such repairs, renovation, remodeling or rebuilding changes the character of the structure.

- (6) Commission: The Ashford Planning Commission.

- (7) Council: "The Mayor and City Council of Ashford, Alabama."

- (8) 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 pre-fabricated, in accordance with building construction plans and specifications, and standard building codes.

- (9) District: A section of the City of Ashford throughout which the zoning regulations are the same.
- (10) Dwelling: A building of at least 1,100 square feet designed or used for permanent living quarters for one or more families.
- (11) 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.
- (12) Family: One or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, lodging house, or hotel, as herein defined.
- (13) Frontage, Lot: The distance for which the front boundary lines of the lot and the street line are coincident.
- (14) 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.
- (15) Home Occupation: An occupation for gain or support conducted only by members of a family residing on the premises and entirely within the main dwelling. It should be incidental and secondary to the use of the premises for dwelling purposes. No more than 25% of the dwellings total area may be used for the home occupation, and there should be no advertising other than an identification sign of not more than 2 square feet in area.
- (16) 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 a public street or streets.
- (17) 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 be limited to, residential dwelling units, commercial, institutional, storage and industrial structures. "Mobile homes" or "manufactured homes" are excluded. "Manufactured building" may also mean, at the option of the manufacturer, 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.

- (18) Manufactured Home: A structure, transportable in one or more sections, which in the traveling mode, is eight (8) feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, 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 of the definition hereinabove except the size requirements and with respect to which the manufacturer voluntarily files a 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.
- (19) Manufactured Home Park: A parcel of land 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 interests or memberships on a condominium basis, and wherein facilities and amenities, including roads or clubhouse or recreation facilities shall be privately owned or owned in common by residents of the park.
- (20) Nonconforming 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.
- (21) Plat: A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.
- (22) Special Exception: A use, specified in the Zoning Ordinance, allowed in a district provided certain criteria are met. The Hoard of Adjustment may approve a use as a special exception on appeal if it is felt to be complementary to the uses in the district.

- (23) Street (or thoroughfare): A thoroughfare which affords traffic circulation 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.
- (24) 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.
- (25) Sub divider: Any person who undertakes the subdivision of land as herein defined.
- (26) 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.
- (27) Travel Trailer (Motor Home, Recreational Vehicle): A portable vehicle structure, constructed to be towed or self-propelled, of not more than ten feet in width when portable, designed as a temporary dwelling for travel, recreational, or vacation uses.
- (28) Travel Trailer Park: Any lot on which two or more travel trailers are temporarily parked for a period of less than thirty (30) days.
- (29) Permitted Use Upon Appeal: See SPECIAL EXCEPTION.
- (30) 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.
- (31) 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.
- (32) Yard, Front: 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 not project into a required front yard. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

(33) Yard, Rear: 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.

(34) Yard, Side: An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line 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 the lot has its greatest dimension.

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 nine (9) districts as follows:

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

M-1 Wholesale and Light Industrial District

M-2 General Industrial District

FH Flood Hazard District

A-C Agricultural-Conservation 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 general 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 become 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 a district boundary line as appearing on the Official Zoning Map divides a lot which is in single ownership at the time of the enactment, the use classification of a 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

Except as hereinafter provided:

Section 41. Use

No buildings or land shall hereafter be used or occupied and no building 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 so as to exceed the height limit of 50 feet, 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 two (2) feet beyond the yard area requirements.

ARTICLE V

GENERAL PROVISIONS

Section 51. Non-conforming Building and 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:

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:

51.21 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 so as 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 the 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 a non-conforming building be moved, all non-conforming yard areas shall be eliminated.

51.3 Extension 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 fifty (50) percent 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 reestablished 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 manufactured home park shall be moved to a manufactured home park 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 material 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 Parkin

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 For 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 ten (10) feet wide and twenty (20) feet in length with a minimum net area of two hundred (200) square feet, excluding area for entry and 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 other off-street property, provided such

space lies within three hundred (300) feet 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.

52.14 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 the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Planning Commission.

52.15 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

Parking Requirements

Dwellings:

- | | |
|---|--|
| 1. One and Two Families | Two (2) spaces for each dwelling unit. |
| 2. Multiple | One and a half (1 1/2) spaces per dwelling unit except for efficiency apartments for which one (1) space per dwelling unit shall be provided. |
| 4. Hotels | One (1) space for each bedroom plus one (1) additional space for each five (5) employees. |
| 6. Motels, tourist courts and homes, manufactured home and travel trailer parks | One (1) space for each guest bedroom manufactured home or travel trailer space, plus one (1) additional space for a resident manager or owner. |
| 5. Boarding and rooming houses, dormitories | One (1) space for each guest bedroom. |

Public Assembly:

1. Churches and other places of worship One (1) space for each four (4) seats in the main auditorium or sanctuary.
2. Private clubs, lodges, and fraternal buildings not providing overnight accommodations One (1) space for each five (5) active members.
3. Theaters, auditoriums, coliseums, stadiums and similar places of assembly One (1) space for each four (4) seats.
4. Libraries, museums One (1) space for each 500 square feet of gross floor area.
5. Schools, including kindergartens, play-schools and day care centers One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, whichever is greater, plus five (5) spaces per classroom for high school and colleges
6. Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating arrangements One (1) space for each 200 square feet of floor area.
7. Bowling Alleys Four (4) spaces for each alley.

Health Facilities:

1. Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional uses One (1) space for each four (4) beds, plus one (1) space for each four (4) employees, including nurses
2. Kennels and animal hospitals A parking space equal to 30 percent of the total enclosed or covered area.

3. Medical, dental and health offices and clinics One (1) space for each 200 square feet of floor area used for offices and similar purposes.
4. Mortuaries and funeral parlors Five (5) spaces per parlor chapel units, or one (1) space per four (4) seats, whichever is greater.

Businesses:

1. Automobile repair establishments One (1) space for each regular employee plus one (1) space for each 250 square feet of floor area.
2. Food stores One (1) space for each 200 square feet of floor area designed for retail sales only.
3. Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments One (1) space for each four (4) seats provided for patron use, plus one (1) space for each 74 square feet of floor area provided for patron use but not containing seats.
4. Office buildings, including banks, business, commercial and professional offices and buildings but excluding medical, dental and health offices, and clinics One (1) space for each 300 square feet of ground floor area, plus one (1) space for each 500 square feet of upper floor area.
5. General business, commercial or personal service establishments catering to the retail trade, but excluding food stores One (1) space for each 200 square feet of floor area designated for retail sales only.
6. Government offices One (1) space for each 300 square feet of ground floor area plus one (1) space for each governmental vehicle.

7. Shopping centers Ten (10) spaces for each 1,000 square feet of floor area designated for retail sales only for Centers up to fifteen (15) acres in size and eight (8) spaces for floor area designated for each 1,000 square feet of floor area designated for retail sales only for Centers of 15 or more acres in size.
8. Furniture stores One (1) space for each 1,000 square feet of gross floor area.
9. Public utilities, such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations A parking area equal to 25 percent of the gross floor area.

Industries:

1. Commercial, manufacturing and industrial establishments, not catering to the retail trade One (1) space for each three (3) employees on the maximum working shift, plus one (1) vehicle operating from the premises.
2. Wholesale establishments One (1) space for every fifty (50) square feet of customer service area, plus two (2) spaces for each three (3) employees on the maximum working shift, plus one (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 and

shrubs shall be established on a strip of land not less than eight (8) feet in width adjacent to the districts and provided that such planting be not less than six (6) feet in height and a 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 raised curb of at least six (6) inches along all 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 minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Board of Adjustment may reduce the minimum length accordingly to as little as 35 feet.

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 Square Feet 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 square feet, at least one off-street loading space for each 10,000 square feet 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 Square Feet There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, 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 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 Board of Adjustment.

53.6 Location of Off-street Loading Spaces All required off-street loading 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 Area reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted area use which is served is discontinued or modified, except where equivalent loading space is provided and approved by the 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 fifty (50) feet in length, nor shall curb cuts be closer than twenty (20) feet to other curb cuts or closer than twenty (20) feet 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 ten (10) feet from the street level shall be permitted within twenty (20) feet 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 and 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 (1) commercial vehicle per dwelling shall be permitted (a tractor-trailer truck is defined as one vehicle); and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products be permitted.

55.2 No more than one (1) 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 a trailer park authorized under this Ordinance.

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. Screening 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 six (6) feet 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 than six (6) feet 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 a distance of not less than fifteen (15) feet 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 150 feet of a sanitary sewer main be connected to the public system within two (2) years after the service is available.

61.11 Within 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 foundations 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 ten (10) acres in area, and that no storage of manure or odor or dust producing substance or use shall be located within 200 feet 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.

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 150 feet of a sanitary sewer main be connected to the public system within two (2) years after the service is available.

61.21 Within the R-2 Single and 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 Within the 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 and apartments).
- (3) Hotels and 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.

61.11 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, noise, 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 and television service.
 - (b) Art and antique shop.
 - (c) Baker employing ten (10) or less persons.
 - (d) Bank and 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, and supply notions.
 - (i) Drug store.

- (j) Ice cream parlor.
 - (k) Furniture, home furnishings, including office furniture and equipment.
 - (l) Florist, nursery, and gift shop.
 - (m) Grocery, fruit, vegetable, meat market, delicatessen, catering and super markets.
 - (n) Hardware and paint store.
 - (o) Jewelry store.
- (2) Any of the following service businesses:
- (a) Barber and beauty shop.
 - (b) Cafes, grills, lunch counters, and restaurants, but not including night clubs, bars, taverns, and drive-in restaurants.
 - (c) Dress-making and tailoring shops.
 - (d) Laundry and dry cleaning pick-up stations, and self-service laundry.
 - (e) Shoe repair shops.
- (3) Office buildings.
- (4) Bowling alleys, and billiard rooms.
- (5) General farming and horticulture.
- (6) Single and two-family dwellings 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 Section 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 Section 85 are met.

- (11) Theaters (walk-in type).
- (12) Multi-family dwellings provided the requirements in Section 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 Permitted Uses Within the C-2 General Commercial District, the following uses are permitted:

- (1) Any use permitted in the C-1 Districts except residential single and duplex dwellings.
- (2) Laundry and dry cleaning plants.
- (3) Night clubs, bars, and taverns, and drive-in restaurants, and dance halls.

- (4) Motels, and apartment hotels.
- (5) Electrical supplies.
- (6) Heating and 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 (3) months in any calendar year.
- (8) Multi-family dwelling provided the requirements in Section 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 75 feet of a residential district and provided further that all vehicles on a used car sales lot must be in operating condition at all times.
- (12) Automobile repair garage, mechanical and body shop, provided all operations are conducted in a building which shall not have an opening, other than a stationary window, within 75 feet of a residential district and which shall not store or otherwise maintain any parts or waste materials outside such buildings.
- (13) Produce and farmers markets.
- (14) Bakeries.
- (15) Car wash, provided that a paved area shall be located on the same lot for the storage of vehicles awaiting entrance to the washing process sufficient to contain a number of vacancies (at 200 square feet per vehicle) equal to one-third (1/3) of the practical hourly capacity of the washing machines and in addition that curb breaks be limited to two, each not to exceed 30 feet in width, and located not closer than 20 feet to an intersection.

- (16) Similar retail and commercial establishments the requirements set forth in paragraph 62.21.

Section 63. Flood Hazard District (FH)

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 a one percent 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 any and 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 Uses Permitted Within the FH Flood Hazard District, the following uses are permitted upon appeal to the Board of Adjustment:

- (1) Crop farming, truck farming, livestock grazing, fish hatcheries and 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 and nature preserves, boat launching ramps and boat houses, hiking and horseback riding trails and other uses of a similar nature.
- (3) Dwellings, provided they are properly flood-proofed and are 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 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 Uses Prohibited 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).
- (3) Any encroachments into the channel.

Section 64. Wholesale and Industrial Districts

64.1 M-1 Wholesale and Light Industrial District

64.11 Within the M-1 Wholesale and 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 Section 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 100 feet of a residential district.
- (4) Establishments for manufacture, repair, assembly or processing including:
 - (a) Confectionery manufacture.
 - (b) Clothing and 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.
- (5) Drive-in theaters provided acceleration and deceleration lanes of at least 200 feet 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 2000 feet of such screen.
- (7) Truck terminals provided that acceleration and deceleration lanes of at least 200 feet in length are provided for trucks entering or leaving the site and that the 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 and 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 100 feet 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 Section 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 traffic.

64.12 Upon appeal to the Board of Adjustment, any use permitted in any C-2 District may be 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

Within 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) Agriculture, forestry, livestock and poultry production, provided that the operation is conducted on a tract of land not less than ten (10) acres in area, and that no structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within 200 feet of a property line.
- (4) Manufactured home or travel trailer used as authorized in Section 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 sand paper, 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 the 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 500 feet of any residential district.
- (7) Junk yards provided the following provisions are met:
 - (a) No such operation shall be permitted to locate closer than 300 feet to a residential district and no closer than 50 feet 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 be completely enclosed by an opaque fence or wall, except driveway areas, having a minimum height of six (6) feet, but in no case less than such a height as will effectively screen all operations from view.
 - (d) The number of vehicular driveways permitted on any single street frontage shall be limited to one (1) per 500 feet with a maximum of 20 feet driveway width.

Section 65. (A-C) Agricultural - Conservation District

The intentions of this district are:

- (1) To preserve 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) To provide control of the spread of 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) To preserve 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) To 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 Uses Permitted In the Agricultural-Conservation (A-C) District, the following uses are permitted:

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

Section 66. Uses Permitted upon Appeal

66.1 Uses Permitted The following uses may be permitted upon appeal to the Ashford Zoning Board of Adjustment and Appeals in the Districts indicated below:

<u>Land Use</u>	<u>District(s) in Which Permitted (Upon Appeal)</u>
1 . Cemetery	A-C, R-1, R-2, R-3, M-1
2 . Funeral Home	C-2
3 . Places of assembly, including stadiums, coliseums, and auditoriums	R-1, R-2, R-3, C-1, C-2
4 . Travel Trailer Park	M-1, A-C, FH
5 . Churches	Any district
6 . Home Occupations (provided the requirements in Section 84 are met)	Any district
7 . Kindergartens, play schools and day care centers	R-1, R-2, R-3, C-1, C-2
8 . Public and private schools and libraries excluding business and trade schools	R-1, R-2, R-3, C-1, C-2

- | | | |
|-----|--|-------------------------|
| 9. | Public utility structures and buildings provided that the installation is properly screened and that no office or equipment storage shall be stored on site | R-1, R-2, R-3, C-1, C-2 |
| 10. | Golf, swimming, tennis, or country clubs, privately owned and operated community clubs or associations, athletic fields, parks, and recreation areas, provided that no buildings for such purposes is located within 100 feet of any property line | R-1, R-2, R-3, C-1, C-2 |
| 11. | Hospitals, clinics, convalescent and nursing homes | R-1, R-2, R-3, C-1, C-2 |
| 12. | Libraries and museums | R-1, R-2, R-3, C-1, C-2 |
| 13. | Manufactured home parks, provided the requirements in Section 81 are met | M-1 |
| 14. | Uses in a Flood Hazard District approved by the Planning Commission in accordance with Section 63 | FH |
| 15. | Manufactured home or travel trailer permitted as a construction and/or security office per Section 81. | Any District |
| 16. | Manufactured home or travel trailer permitted as a business office per Section 81. | C-1, C-2, M-1, M-2 |

ARTICLE VII

OTHER REQUIREMENTS BY DISTRICTS

Section 71. Minimum Lot area and Lot Width, and Maximum Lot Coverage

71.1 Single and 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.

	Minimum Lot Area Square Feet	Minimum Lot Width Measured at Building Line	Maximum Lot Coverage (Percent)
<hr/>			
R-1 Residential Single Family			
with septic tank & well -----22,500	22,500	100 feet	25% *
with septic tank--*	15,000	100 feet	25% *
with public sewer-	15,000	100 feet	25% *
			* Does not apply to lots of record.
<hr/>			
R-2 Residential Single Family			
with septic tank & well ----- --)	20,000	100 feet	40%
with septic tank H>	15,000	90 feet	40%
with public sewer4	7,000	60 feet	40%
<hr/>			
R-2 Two-family (duplex)			
with septic tank & well -----2>	20,000	100 feet	40%
with septic tank-4	15,000	90 feet	40%
with public sewer-4	9,000	70 feet	40%
<hr/>			

71.2 Multi-family Residential Dwelling Units

71.21 Within the districts permitting multi-family dwellings, the basic minimum lot areas shall be 7,500 square feet in R-3 and C-1 Districts and 6,000 square feet in C-2 District unless the following lot area and lot coverage requirements specify that a larger lot is necessary.

Minimum Number of Units	Total Lot Area In Square Feet Per Unit in R-3 & C-1 Districts	Total Lot Area In Square Feet Per Unit in C-3 Districts	Maximum Lot Coverage in Percent
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 Within use districts permitting multi-family residential dwelling units, the minimum lot width measured at the building line shall be 85 feet.

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

Within the zoning districts herein defined, the following minimum setbacks shall apply:

Zoning District	Front Yard	Rear Yard	Side Yard	Corner Lot Side Yard
R-1 Residential	40'	30'	35'	10'
R-2 Residential	40'	25'	35'	10'
R-3 Residential One & Two Family	40'	25'	35'	8'
Multi--family	25'	25'	35'	a
C-1 Central Business District Multi- Family	25'	25'	35'	a
Commercial	Not Specified	b	c	Not Specified
M-1 Wholesale & Light Manufacturing	50'	30'	d	d
M-2 General Industrial	50'	30'	d	d

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

ARTICLE VIII

SPECIAL PROVISIONS

Section 81. Manufactured Homes and 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 Section 55, Section 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 Section 55, Section 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 home 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 issued.
 - (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 Exceptions will be valid for a period not exceeding one (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 five (5) years.
- (4) Custom constructed or manufactured residential buildings of between 400 and 1000 square feet intended for rental may be located 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 fifty (50) feet 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 two (2) acres.

81.13 Spaces in travel trailer parks may be used by travel trailers provided they meet any additional laws and ordinances of the Council and shall be rented by the day or week only, and an occupant of such space shall remain in the trailer park for a period of not more than thirty (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 (10) percent 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 thirty (30) feet 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 County Health Department.

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 five (5) acres; and the minimum lot width for portions used for entrance and exit shall be fifty (50) feet; and the minimum lot width for portion containing manufactured home spaces, or stands, shall be fifty (50) feet.

81.22 The minimum number of spaces completed and ready for occupancy before the first occupancy is permitted shall be eight (8) and the minimum area for each manufactured home space or stand shall be 3,500 square feet for "singlewides" and 4,500 square feet for "doublewides."

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

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 and dry cleaning establishments and pick-up laundry and dry cleaning agencies, and beauty shops and barber shops may be permitted in manufactured home parks provided that such establishments and the parking areas primarily related to their operations, and provided they:

- (1) Shall not occupy more than ten (10) percent 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.

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

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

Section 82. Accessory and Temporary Buildings

82.1 Accessory Buildings The location of accessory buildings and uses in residential districts must meet the following requirements:

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.

81.12 A detached accessory building shall not be closer than fifteen (15) feet to the main building, nor closer than ten (10) feet to the lot line.

81.13 A detached accessory building, not more than two (2) stories in height, may be constructed on not more than thirty (30) percent of the rear yard.

81.14 No detached accessory building may be located on the front yard of a lot.

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

Section 83. Fall-out Shelters and Storm Shelters

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

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 and 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:

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 twenty-five (25) percent of the floor area within 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 two (2) square feet 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 100 feet 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 of 120 feet and a minimum area of 12,000 square feet. All buildings shall be set back 40 feet from all street right of way lines and all canopies shall be set back fifteen (15) feet from all street right of way lines.

85.3 Access to Site Vehicular entrances or exits at an automobile service station:

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

85.32 Shall contain an access lane along the curb line of the street of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty (20) feet to a street intersection or closer than ten (10) feet to an adjoining property.

85.33 Shall not have any two driveways, or curb cuts, any closer than twenty (20) feet 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 fifteen (15) feet from the right of way line, or where a future widening line has been established, the set back 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 60 feet from the center line of an arterial street, 55 feet from the center line of a collector street and 45 feet from the center line of other streets.

85.5 Off-street Parking A minimum of two (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 six (6) inches in height shall be erected along the street property lines, except for driveway openings.

85.62 A solid fence or wall six (6) feet 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 of 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

Within 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 of 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 no less than 25 feet from any property line or minor street right of way line.

86.4 All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right of way lines and not less than 50 feet 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.

Section 87.1 Electric Signs

No electric sign shall be so 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 ten (10) feet above the grade immediately under said sign, if the sign is within fifteen (15) feet of the edge of the street right-of-way.

Section 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.

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:

- 87.3.1 The sign shall be located in a manner so as to not impair traffic visibility.
- 87.3.2 The bottom of any free-standing sign located within fifteen (15) feet of the edge of the street right-of-way line shall be a minimum of ten (10) feet above the grade immediately under said sign.
- 87.3.3 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.
- 87.3.4 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 street grade or sidewalk, whichever is less.

Section 87.4 Wall-Mounted Signs

Wall-mounted signs are permitted subject to the following requirements:

- 87.4.1 No part of a wall sign may protrude more than 12 inches from the building wall.

- 87.4.2 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.
- 87.4.3 All wall signs must be permanently secured to the building in such as to not to create a public safety hazard.
- 87.4.4 Principal buildings and service station canopies may have wall signs on all faces which front a public street.
- 87.4.5 Wall sign area shall be no more than 1 square foot 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 exceed 100 square feet.

Section 87.5 Ground Signs

Ground signs are permitted subject to the following requirements:

- 87.5.1 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.
- 87.5.2 All ground signs must be secured to the ground or affixed so as not to create a public safety hazard.
- 87.5.3 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 as measured from street grade or sidewalk, whichever is less.

Section 87.6 Signs Permitted Without Permit

- 87.6.1 Signs on interior window glass, regardless of size.
- 87.6.2 Private unofficial traffic signs indicating directions, entrances or exits.
- 87.6.3 Any flag, badge or insignia customarily displayed by any government or governmental agency or by any charitable, civic, fraternal, patriotic, religious or similar organization.
- 87.6.4 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.

- 87.6.5 No permit shall be required to change movable lettering on a permitted sign.
- 87.6.6 Private unofficial signs not exceeding four (4) square feet 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.
- 87.6.7 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.
- 87.6.9 Permanent municipal, school, recreational and civic club sponsored signs, schedule of events, rules and regulations signs with a maximum surface area of thirty-two (32) square feet. Such signs shall not include identification signs.
- 87.6.8 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 area of ten (10) square feet.
- 87.6.10 Public signs regulating traffic.
- 87.6.11 Signs required to be posted by law.
- 87.6.11 Signs required to be posted by law.
- 87.6.12 "Warning" signs and "no trespassing" signs.
- 87.6.13 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 seven (7) days of the termination of the event advertised.

- 87.6.14 Temporary real estate signs not exceeding twelve (12) square feet each in any residential zone and twenty (20) square feet in other zones.

Section 87.7 Prohibited Signs

The following signs are expressly prohibited within all zoning districts.

- 87.7.1 Any sign which obstructs the view of bicyclists or motorists 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.
- 87.7.2 Illuminated, highly reflective signs or spot lights which hamper the vision of motorists or bicyclists.
- 87.7.3 Signs, lights, rotating disks, words, and other devices which resemble traffic signals, traffic signs, or emergency vehicle lights.
- 87.7.4 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.
- 87.7.5 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.
- 87.7.6 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.
- 87.7.7 Flashing light signs (except signs which give time and temperature and similar public information messages.)
- 87.7.8 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 or 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.

Section 87.8 Signs Permitted In Residential Districts

- 87.8.1 Signs on premises of single-family and two-family dwellings, group homes, mobile homes and small group day care centers are regulated as follows:

- a. Types of sign permitted: Identification
- b. Permitted number of signs: One (1) per dwelling unit
- c. Maximum area of signs: Three (3) square feet
- d. Permitted location: Behind street right-of-way line

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

- a. Types of sign permitted: Identification
- b. Permitted number of signs: One (1) per street front
- c. Maximum area of signs: Twenty (20) square feet
- d. Permitted location: Behind street right-of-way line

87.8.3 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 (1) identification and one (1) bulletin board each if only one principal building is involved. A third sign is permitted if the building is located on a through lot or has frontage on two (2) or more streets.

If more than one (1) principal building is involved, one (1) identification and one (1) bulletin board for the first principal building is permitted plus one (1) identification sign for each additional principal building.

- c. Maximum area of signs: One Principal Building--No sign shall be greater than thirty (30) square feet.

Two or More
Principal Buildings

No sign shall be greater than thirty (30) square feet for the first principal building and all signs for each additional building shall be no greater than fifteen (15) square feet.

d. Permitted location

Behind street right-of-way line.

Section 87.9 Signs permitted in the Commercial, Wholesale, and Industrial Districts

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

a. Types of sign permitted:

Business,
Identification

b. Permitted number of signs:

Free-Standing - One (1) only except plus an additional free standing sign may be permitted on through lots or lots having frontage on two (2) or more streets.

Ground - One (1) only except that an additional ground sign may be permitted on through lots or lots having frontage on two (2) or more streets.

c. Maximum area of signs:

Attached - One (1) square foot of aggregate sign area per linear foot of building street frontage up to a maximum of one hundred (100) square feet per premises

regardless of the number of establishments occupying such premises.

Free-Standing - Said sign shall have a maximum area of one-hundred (100) square feet when said sign fronts on a street containing four (4) or more traffic lanes; a maximum of seventy-five (75) square feet shall be permitted on signs which front on streets containing three (3) or less traffic lanes. If said sign faces more than one (1) street, then for the purpose of determining permitted area, the greater area allowances shall govern. If a second free standing sign is permitted, it shall be no greater than one-half the area of the first sign.

Ground - Twenty (20) square feet.

d. Permitted location:

Attached - Signs shall be located on the building and may not extend above the roofline and/or parapet of the building but may not protrude more than twelve (12) inches from any building wall or marquee face.

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

Ground - Behind the street right-of-way line.

87.9.2 Shopping Center Identification

- a. Type of sign permitted: Shopping Center Identification
- b. Permitted number of signs: A shopping center containing three (3) or more businesses with separate entrances shall have no more than one free-standing identification sign giving the names of the businesses located in the shopping center. A second sign is permitted if the shopping center is located on a through

lot or a lot having frontage on two (2) 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: For the first sign, one-hundred (100) square feet provided that no portion of the sign advertising a particular business shall be in excess of twenty (20) square feet. If a second 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 thirty-five (35) feet if the sign fronts on a street containing four (4) or more lanes of traffic; a maximum height of twenty-five (25) feet is permitted if the sign is located on streets containing three (3) or less lanes of traffic. If said sign faces two (2) or more streets, then for the purpose of determining area, the greater area allowance shall govern.

87.9.3

Advertising signs shall be permitted in the Commercial, Wholesale, and Industrial Districts as follows:

- a. Advertising signs may be located on either a developed or undeveloped lot. No advertising sign shall be located within one hundred feet of a residential structure located in a residential district. If an advertising sign is located within one hundred seventy-five (175) feet of a residential structure located in the zones listed above, it shall have maximum area of one hundred (100) square feet.
- b. An advertising sign must be located at least seven hundred fifty (750) feet from any other advertising sign on the same side of the road, and at least one hundred (100) feet 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 seven hundred fifty (750) feet 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 a back-to-back sign may not exceed 10 feet. The faces of a v-shaped sign must not form an angle which exceeds 90 degrees. An advertising sign shall have only one message board 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 considered to 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 6 square feet.

- f. Advertising signs shall be limited to a height of no greater than twenty-five (25) feet. If an advertising sign is located within ten (10) feet of any street right-of-way line, the base of the advertising sign shall be a minimum of ten (10) feet in height.
- g. No permit will be issued for an advertising sign to be erected within twenty (20) feet 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 20 feet of an advertising sign, and does not restrict the maintenance or alteration of an advertising sign within 20 feet of a principal building.

Section 87.10 Nonconforming Existing Signs

87.10.1 Nonconforming advertising signs shall be allowed to continue provided as follows:

- 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 of more than forty (40%) percent of the replacement cost at the time of destruction), such sign shall not be replaced with another sign unless in conformance with this ordinance.

87.10.2 Nonconforming business or identification signs shall be allowed to continue provided as follows:

- 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 forty (40%) percent of the replacement cost at the time of destruction, such sign shall not be replaced with another sign unless in conformance with this ordinance.

ARTICLE IX

EXCEPTIONS AND 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 (1/2) 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 ten (10) feet.

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 thirty (30) feet.

92.2 Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least 15 feet 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 Replatting When two or more adjoining and vacant lots with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area that is required by the use district in which they are located, such lots shall be platted 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 Section 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 one (1) foot for each four (4) feet by which the lot width lacks fifty (50) feet, provided in no event shall such side yard be reduced to less than five (5) feet on each side.

Section 94. Front and 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, 100 feet on each side of such lot and within the same block and 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 lots.

ARTICLE X

ZONING ADMINISTRATION

Section 101. Duties and 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 Council of the said City if there is no Building Inspector, whose duties and powers are as follows:

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, the Certificates of Occupancy issued, and all submitted Subdivision Plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as a public record.

Section 102. Permits and 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 structure or structural alteration is in conformance with the provisions of this Ordinance.

102.11 An application shall be accompanied by two (2) copies of a 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 (1) copy of the sketch or plan to the applicant and shall issue a Zoning Compliance permit. The Zoning Enforcement Officer shall retain one (1) copy of the Zoning Compliance Permit and one (1) 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 (1) copy of the sketch or plan to the applicant along with a signed refusal in writing. Such refusal shall state the reasons for refusal and shall cite the portions for this Ordinance with which the submitted sketch plan does not comply. The Zoning Enforcement Officer shall retain one (1) copy of the sketch or plan and two (2) copies of the refusal.

102.15 Any Zoning Compliance Permit shall automatically expire six (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 (1) year.

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

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

- (1) A building hereafter erected;
- (2) A building hereafter altered so as to affect height, or 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 the applicable provisions of this Ordinance, or unless the building, as finally constructed, complies 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.

103.13 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 members 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 Said Board of Adjustment shall adopt rules in accordance with the provisions of this Ordinance for the conduct of its affairs.

103.22 Said Board of Adjustment shall elect one of its members, other than a member of the Commission, as Chairman, who shall serve for one (1) year or until he is reelected or his successor is elected. Said Board of Adjustment shall also elect one of its members as Vice-Chairman and shall appoint a Secretary.

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

103.24 All meetings of said Board shall be open to the public.

103.25 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 filed in the Office of the Board of Adjustment and shall be a public record.

Section 104. Duties and 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 exceptions 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 in 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 a finding by the Board of Adjustment that:

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

104.32 The application of this Ordinance to this particular piece of property would create an unnecessary hardship, and

104.33 Such conditions are peculiar to the particular piece of property involved, and

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 may be granted for a use of land or 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 not be less than twelve (12) square feet 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 fifteen (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 action appealed from, unless the Zoning Enforcement Officer certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a 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 Section 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 twelve (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 fifteen (15) days thereafter appeal to the circuit court of like jurisdiction, by filing with such Board a written notice of appeal specifying the judgment of decision from which appeal is taken.

Section 106. Procedure for Requesting a Zoning Amendment

The Council may, from time to time, after examination, 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 of land, or any portion thereof, more than once in a twelve (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, and said Planning Commission shall have thirty (30) days within which to submit a report. If the Commission fails to submit a report within the thirty (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 twelve (12) square feet in the area, shall contain information as to the proposed change and 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 meeting to consider the amendment. Prior to this meeting, the proposed amendment shall be published at least once a week for two consecutive weeks in advance of its passage in a newspaper of general circulation published within the community, and the same shall be posted in four conspicuous places within the community. Both the published and posted text of the proposed amendment shall be accompanied by a notice stating the time and place that the amendment is to be considered by the municipal legislative authorities, and stating further 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 take action 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 resubmitted to the Commission for an additional review and recommendation. The Commission shall have thirty (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.

Section 110.1 Plan Review Fees

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 follows:

ID	Fee	Maximum Fee	Exclusions
IR.1	\$1.50 per \$1,000 of project value	\$7,500	1) Single family residential 2) Two-family

			residential
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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:

ID	Fee	Maximum Fee	Exclusions
SR.1	\$0.50 per \$1,000 of project value	\$2,500	1) Single family residential 2) 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 follows:

ID	Fee	Minimum Time
RM.1	\$150 per hour	1 Hour

Section 110.2 Submission of Plans for Review

Three full size hard copy full sets 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 AND REMEDIES

Section 111. Penalties

Any person violating any provision of this Ordinance shall be fined upon conviction, not less than two dollars (\$2.00) nor more than one hundred dollars (\$100.00) and cost of court 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 to 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 PROVISIONS

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 Resolutions and 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 Ordinance.
2. B-1 and B-2 Classifications on Zoning Map are incorrect and should be listed as C-i and C-2 classifications.