

ORDINANCE NO. 2016-008

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

WHEREAS, on the 3 day of Oct, 2016, a public hearing was held by the City Council of the City of Ashville, Alabama, to consider an amendment to Article VII, §70.02 “AG District Use Regulations” within the Agricultural District of the *Zoning Ordinance of the City of Ashville, Alabama* (the “Zoning Ordinance”); and

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

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

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

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

Section 1: That the Article VII, §70.02 “AG District Use Regulations” within the Agricultural District of the Zoning Ordinance be and is hereby amended to state as follows:

§ 70.02 AG District Use Regulations

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

- A. Permitted Uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:
1. Agricultural Uses.
 - Farm, subject to §56.06.
 - Hobby Farm, subject to 56.07
 - Kennel, subject to §56.09
 - Stable.

Council Members

Adam S. Abernathy • Marty Crews • Derrick L. Mostella • Charles A. Tipton • Charles E. Williams

2. Residential Uses.
 - Duplex.
 - Family Care Home, subject to § 56.05.
 - Single Family Dwelling.

3. Institutional Uses.
 - Animal Shelter.
 - Boarding House.
 - Cemetery, subject to § 56.03.
 - Home Instruction.
 - Park.
 - Place of Worship.
 - Public Utility Service.

4. Commercial Uses.
 - Day Care Home.
 - Home Occupation, subject to § 56.08.
 - Tourist Home/Bed & Breakfast Inn.

5. Industrial Uses.

None.

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

1. Agricultural Uses.

None.

2. Residential Uses.
 - Accessory Dwelling, subjection to § 56.01.
 - Emergency Care Home.
 - Mobile Home, subject to § 56.12.
 - Two mobile homes, single family residences, or combination thereof on one parcel.

3. Institutional Uses.
 - Community Center.
 - Domiciliary Care Facility.
 - Emergency Care Facility.
 - Hospital.
 - Military Installation.
 - Nursing Care Facility.
 - Public Facility.
 - Public Utility Facility.
 - School.

4. Commercial Uses.
- Campground.
 - Country Club.
 - Day Care Center.
 - Entertainment, Outdoor.
 - Farm Support Business.
 - Livestock Sales.
 - Open Air Market.
 - Recreation, Outdoor.
 - Recreational Vehicle Park.
 - Studio.
5. Industrial uses.
- Resource Extraction.
 - Transmission Tower.

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

Section 2: If any provision in this Ordinance shall be or be declared to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

Section 3: That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 4: That this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 3 day of October, 2016.

CITY OF ASHVILLE, ALABAMA



David Thompson, Mayor

ATTEST:



Chrystal St. John, City Clerk