

ORDINANCE NO. 2023-09-05-01

AN ORDINANCE AMENDING THE ASHLAND ZONING ORDINANCE OF 2022, IN ACCORDANCE WITH THE PROVISIONS OF TITLE 11, CHAPTER 52, CODE OF ALABAMA, 1975, AS AMENDED; REPEALING ALL CONFLICTING PROVISIONS OF SAID ORDINANCE; AND PROVIDING AN EFFECTIVE DATE OF SAID AMENDMENT

WHEREAS, the City Council of the City of Ashland, Alabama (“City Council”) adopted a zoning ordinance on May 2, 2022 by virtue of Ordinance No. 2022-05-02-01, which was thereafter amended with respect to certain property in the City (the “2022 Ashland Zoning Ordinance”);

WHEREAS, the Planning Commission of the City of Ashland has recommended amending the 2022 Ashland Zoning Ordinance, and more specifically, Article V, Section 9.2, to permit loft, efficiency, and studio apartments on any floor of a commercial building in the B-1 General Business District and B-2 City Square Commercial District;

WHEREAS, the City Council believes amendment will be beneficial for the City and consistent with the City’s Comprehensive Plan, and such an amendment is permitted by Title 11, Chapter 52, of the Code of Alabama (1975), as amended.

BE IT ORDAINED BY THE CITY COUNCIL OF ASHLAND, ALABAMA AS FOLLOWS:

Section 1. That Article V, Section 9.2, of the 2022 Ashland Zoning Ordinance shall be amended to remove the prohibition of loft, efficiency, and studio apartments below the second (2nd) story of a commercial use building in the B-1 General Business District and the B-2 City Square Commercial District.

Section 2. That Article V, Section 9.2, of the 2022 Ashland Zoning Ordinance is hereby amended to provide as follows:

9.2 ***Permitted Uses.*** The following identifies the uses permitted in the B-1: General Business Zoning District.

- A. *Retail establishments customarily serving residential neighborhoods*, such as: pharmacies or drug stores, grocery markets, clothing/apparel stores, gift shops, jewelry stores, greeting card shops, bookstores, music stores, consignment shops, newsstands, toy stores, fish and tackle shops, sporting goods stores, craft and hobby shops, florist shops, video stores, furniture stores, hardware stores, and other similar establishments.
- B. *Personal or professional service establishments, and businesses repairing and servicing small equipment*, such as: barber shops and salons, photocopiers or print

shops, laundry and dry cleaning services, including coin-operated laundromats, tailors, shoe repair shops, electronic or small appliance repair shops, photography studios, camera shops, health and fitness clubs, newspaper offices, radio station studios, television station studios, jewelry and watch repair shops, and other similar establishments.

- C. *Professional offices* such as: banks, with or without drive-through services, doctor's offices, dentist's offices, accounting and tax preparation services, real estate offices, attorney's offices, investment offices, consulting offices, and other similar establishments.
- D. *Dine-in or carry-out restaurants*, such as: cafes, delis, bakeries, coffee shops, ice cream parlors, pizza parlors, fast food businesses, steak houses, and other similar dining or food establishments.
- E. *Family entertainment and cultural uses* such as: video arcades, dance studios, art studios, martial arts studios, and other similar establishments that cater to children and families (not adults exclusively) and that do not serve or offer alcoholic beverages for sale.
- F. Lounges or Nightclubs, public and private.
- G. Public and private educational institutions and associated accessory uses.
- H. Churches and cemeteries.
- I. Public and semi-public institutions and offices.
- J. Bed and breakfast inns.
- K. *Loft, efficiency, and studio apartments*, for primary, secondary, or accessory use(s), provided all of the following requirements are satisfied:
 - 1. said apartment(s) are not located within a manufactured home, trailer, or anything other than a stick-built structure;
 - 2. said residential uses do not share a common entryway with any commercial use;
 - 3. appropriate soundproofing or sound attenuation measures have been or will be installed to limit noise impacts that may be generated by the commercial uses;
 - 4. adequate off-street parking for all proposed dwelling units is provided in the rear yard of the lot;

5. a separate building entrance is available for the proposed apartments;
 6. all exterior apartment windows and doors are secured by appropriate locks or security devices; an
 7. adequate fire escape route is provided for each dwelling unit, and a hard-wired fire alarm and sprinkler system are provided on each floor of the building to the extent required by code.
- L. Accessory uses and buildings, subject to the standards established in Article III, Section 4 of this Ordinance.
- M. Adult day care centers.
- N. Group homes, subject to the standards established in Article IV, Section 2 of this Ordinance.
- O. Automobile filling and service stations; convenience stores; gasoline service station; body shop; service stations; and vehicle repair garages, including painting, body repair, parts fabrication, and engine rebuilding.
- P. Garden centers, greenhouses, and nurseries.
- Q. Funeral homes and mortuaries.
- R. Boarding and Rooming Houses.
- S. Educational, training, health, medical, or nursing uses of public, charitable, or philanthropic nature, including rest homes and sanitariums.
- T. Hospitals (all hospitals, regardless of district, may include a commercial cafeteria and/or a commercial pharmacy), medical clinics, doctors' and dentists' offices, laboratories, including research and testing laboratories, sanitariums, nursing homes, and ambulance services.
- U. Nursery schools, childcare centers, public and private schools.
- V. Animal hospitals, veterinary clinics, and kennels; provided that all animals are kept within suitably designed, soundproofed, and air-conditioned buildings.
- W. Hotels and motels.

Section 3. Except as herein amended, the 2022 Ashland Zoning Ordinance, as amended, shall remain in full force and effect.

Section 4. That this amendment of the 2022 Ashland Zoning Ordinance shall be effective upon its due adoption and publication, at which point the 2022 Ashland Zoning Ordinance, as amended by this ordinance, which is attached hereto and incorporated herein by reference, shall be effective.

ADOPTED AND APPROVED this the ____ day of _____, 2023.

CITY OF ASHLAND, ALABAMA

LARRY J. FETNER, its Mayor

ATTEST:

CHELSEY WYNN, Ashland City Clerk