

TOWN OF ASHLAND, MISSISSIPPI
ZONING ORDINANCE

DRAFT
SUBMITTED FOR OFFICIAL REVIEW AND COMMENT

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ZONING ORDINANCE

ORDINANCE NO.

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING: REGULATIONS FOR THE TOWN OF ASHLAND, MISSISSIPPI AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH:

WHEREAS; the Statutes of the State of Mississippi, Sections 17-1-1 and following, of the Mississippi Code of 1973, as amended, empower the Town to enact a zoning ordinance and to provide for its administration, enforcement, and amendment, all based on a comprehensive development plan, and

WHEREAS; the Mayor and Board of Aldermen deem it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the Town adopt a comprehensive development plan and to enact implementation measures such as this ordinance, and

WHEREAS; the Mayor and Board of Aldermen have divided the Town into districts and have prepared regulations pertaining to such districts designed 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; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, and

WHEREAS; the Mayor and Board of Aldermen have given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town, and

WHEREAS; the Mayor and Board of Aldermen have given due public notice of hearings relating to zoning districts, regulations, and restrictions, and have held such public hearings in accordance with the law :

THEREFORE; be it ordained by the Mayor and Board of Aldermen of the Town of Ashland, Mississippi that

This Ordinance shall be known and referred to as the ZONING ORDINANCE FOR ASHLAND, MISSISSIPPI and may be cited as such.

SECTION 1 Title and Purpose

1.1 Title

This ordinance shall be known as the “Zoning Ordinance of the Town of Ashland, Mississippi.” The map herein referred to which is identified by the title “Zoning Map of Ashland, Mississippi,* dated _____, and all explanatory matters thereon are hereby adopted and made a part of this ordinance.

1.2 Purpose

The zoning regulations and districts, as herein set forth, have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, floods along natural water courses, panic and other dangers, to provide adequate light and air to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the Town

SECTION 2 DEFINITIONS

2.1 General

Certain words and phrases used in this Ordinance are defined for the purpose thereof as follows: Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "person" includes a firm, partnership, association, corporation, estate or trust, or any other group or combination acting as a unit as well as an individual; the word "shall" is mandatory and not directory.

2.2 Definitions

- 2.2.1 **Accessory or Structure:** A use or structure subordinate the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use.
- 2.2.2 **Advertising Structure:** A sign directing attention to a business, product, profession, service, or activity which is not necessarily sold or conducted on the premises.
- 2.2.3 **Agriculture:** The cultivating of the soil and raising and harvesting of the products of the soil, including nurserying, horticulture, forestry, and the raising of livestock and poultry.
- 2.2.4 **Alley:** Any public or private way set aside for public travel, less than twenty—eight (28) feet in width.
- 2.2.5 **Alterations, Structural:** Any change in the supporting members of a building, such as walls, floors, columns, beam, or girders.
- 2.2.6 **Building:** Any structure constructed or used for residence, business, mess, industry, or other public or private purposes, or accessory thereto, and including; tents, lunch wagons, dining cars, trailers, billboards, signs, and similar structures, whether stationary or movable.
- 2.2.6.1 **Principal Building:** A building on which is conducted the principal use of the lot on whiTh it is situated. In any residence district any dwelling shall be deemed to be the principal building on the lot on which it is situated.
- 2.2.6.2 **Accessory Building:** A subordinate building, the use of which is incidental to that of a principal building on the same lot.
- 2.2.7 **Building, Height of:** The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.
- 2.2.8 **Building Permit:** A permit issued by the Administrative Official authorizing the construction or alteration of a specific building on a specific lot or parcel.
- 2.2.9 **Boarding House, Rooming House, Lodging House or Dormitory:** A Building or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation for three or more persons and where no cooking or dining facilities are provided in individual rooms.
- 2.2.10 **Dwelling:** Any building designed or used as the residence of one or more persons, but not including a tent, cabin, trailer or trailer coach, pickup camper, mobile home, tree house, or a room in a hotel or motel.
- 2.2.11 **Dwelling, Mobile Home:** A detached residential dwelling unit designed for transportation before or after complete assembly or fabrication on streets or highways on its own wheels or on a flatbed or other trailer, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like and manufactured prior to June 14, 1976.
- 2.2.12 **Dwelling, Multi-family:** A building or portion thereof designed for or used by two or more families or housekeeping units.
- 2.2.13 **Dwelling, Single-family:** A building designed for or used for residential purposes by one family or housekeeping unit.

- 2.2.14 **Dwelling Unit:** One room or rooms connected together, constituting a separate, independent housekeeping establishment containing independent cooking and sleeping facilities.
- 2.2.15 **Easement:** A right distinct from the ownership of the land permitting the crossing of private property with facilities such as sewer lines, water lines, streets, power, and telephone lines.
- 2.2.16 **Family:** A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling, unit, as distinguished from a group occupying a boarding House, lodging house, dormitory, motel, or hotel.
- 2.2.17 **Governing Body:** The Mayor and Board of Aldermen of the Town .
- 2.2.18 **Gross Floor Area:** The sum of the gross horizontal areas of the several floors of a structure, including interior balconies; all horizontal measurements to be made between the exterior faces of walls, including the walls of roofed porches having more than two walls.
- 2.2.19 **High Volume Traffic Generation:** All uses in the 2.00 classification other than low-volume traffic generation
- 2.2.20 **Home Office:** An office activity conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engaged in such office activity; the use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home office activity; there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home office activity other than one sign, not exceeding two square-feet in area non-illuminated, and mounted flat against the wall of the principal building; no home office activity shall be conducted in any accessory building; no traffic shall be generated by such home office in greater volumes that would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home office activity shall be located off the street and other than in a required front yard; no equipment or process shall be used in such home office activity which creates, noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- 2.2.21 **Hotel:** A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.
- 2.2.22 **Junk Yard:** A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shop and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 2.2.23 **Lot:** A piece, parcel, plot or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on a public street.
 - 2.2.23.1 **Lot of Record:** A lot or parcel of land which is part of a subdivision recorded in the Chancery Clerks office or a parcel described by metes and bounds, the description of which has been so legally recorded at the time of the adoption of this ordinance.
 - 2.2.23.2 **Lot, Corner:** A lot at the juncture of and fronting on two or more intersecting streets.
 - 2.2.23.3 **Lot Area:** The computed area contained within the lot lines.
 - 2.2.23.4 **Lot Depth:** The mean horizontal distance between the front and the rear lot lines.
- 2.2.24 **Lot Lines:** The boundary dividing a given lot from the street, an alley, or adjacent lots.
 - 2.2.24.1 **Lot line, front:** The property line separating the lot from a street right-of-way.
 - 2.2.24.2 **Lot Line, Rear:** The lot line opposite and most distant from the front lot line,

- 2.2.24.3 Lot Line, Side:** Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 2.2.25 Lot Width:** The width of the lot measured at the required building setback line.
- 2.2.26 Low-volume Traffic Generation:** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.
- 2.2.27 Manufactured Home:** Manufactured Home. A structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, and manufactured after June 14, 1976.
- 2.2.28 Mobile Home:** See Dwelling, Mobile Home.
- 2.2.29 Manufactured Home Park:** A parcel of land under single ownership which has been planned and improved for placement of mobile homes for non-transient use.
- 2.2.30 Motel or Tourist Court:** A building, or group of buildings, comprising individual sleeping or living units of transient guests, not containing individual cooking or kitchen facilities.
- 2.2.31 Nonconforming Use, Structure, or Lot:** A lot, building, structure or use of building or structure or premises, legally existing at the time of adoption of this Ordinance or any amendment hereto which does not conform to the regulations prescribed by this ordinance.
- 2.2.32 Outdoor Advertising Device:** A visible, immobile structure including displays, lights, devices, figures, messages, plaques, posters, billboards, or other things designed, intended, or used to advertise or inform.
- 2.2.33 Parking Space:** The area required for parking one automobile, which in this ordinance is held to be nine (9) feet wide and twenty (20) feet long, either within a structure or in the open exclusive of driveways or access drives.
- 2.2.34 Recreational Vehicle Park:** An area of land upon which two or more occupied travel trailer coaches or mobile homes are placed to be occupied.
- 2.2.35 Setback Line:** The distance required by this ordinance to be maintained between a given a given lot line and any structure front, rear, or side as specified in this Ordinance.
- 2.2.36 Sign:** For the purpose of this ordinance signs are defined as Outdoor Advertising Devices.
- 2.2.37 Special Exception:** A special exception is a use that would not be appropriate generally or without zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not detract from public health, safety, comfort, convenience, or general welfare. Such uses may be permitted in such zoning district as special exceptions if specific provision for such special exception is made in such zoning district.
- 2.2.38 Story:** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- 2.2.39 Structure:** Anything constructed, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.
- 2.2.40 Street:** Any public or private way set aside for public travel twenty-eight (28) feet or more in width. The word Street shall include the words; road, highway, and thoroughfares.
- 2.2.41 Tourist Court:** See Hotel.
- 2.2.42 Travel Trailer:** A vehicular, portable structure designed to be used as temporary dwelling for travel, recreational and vacation uses. For the purposes of this ordinance, travel trailer includes pickup coach, motor home and camping trailers.
- 2.2.43 Town:** The Town of Ashland, Mississippi, or, when appropriate to the context, its duly authorized representative, board, or commission.
- 2.2.44 Yard:** An open space at grade between the edges of a building and the adjoining lot lines.
- 2.2.44.1 Yard, Front:** An open space extending the full width of the lot between the edge of a building and the front lot line.

- 2.2.44.2 **Yard, Rear:** An open space extending the full width of the lot between the edge of a building and the rear lot line.
- 2.2.44.3 **Yard, Side:** An open space extending from the front yard to the rear yard between the edge of a building and the nearest side lot line.

SECTION 3 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Establishment of Zoning Districts

In order to classify, regulate, and restrict the use and location of buildings designed for specified uses, to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density of population, the Town is hereby divided into the following zoning districts. The use and area regulations are uniform in each zoning district and said districts shall be known as:

A Agricultural District

- RM-6 High Density Multi-Family Residential District**
- R-10 Old Town General Residential District**
- R-10 Limited Medium Residential District**
- R-15 Limited Low Density Residential**

- C-1 Neighborhood Commercial District**
- C-2 Community Commercial District**
- C-3 Downtown Central Business District**

- PUD Planned Unit Development**
- Flood Plain Overlay**

- M-1 Light Industrial District**
- M-2 Heavy Industrial District**

3.2 Zoning Map

- 3.2.1 The boundaries of these zoning districts are hereby established as shown on a map entitled "Official Zoning Map of Ashland, Mississippi". Said Zoning Map and references and other matters shown thereon shall be and are hereby made a part of this Ordinance.
- 3.2.2 The Official Zoning Map shall be identified by the signature of the Mayor, attested by; the Town Clerk, and bear the seal of the Town under the following words: "This is to certify that this is the Official Zoning Map for the Town of Ashland, Mississippi, referred to in Section 3.2 of the Official Zoning Ordinance, adopted by the Mayor and Board of Aldermen, (Date)."
- 3.2.3 If, in accordance with the provision of this ordinance and Mississippi State Statutes, changes are made in the zoning district boundaries or other matters, portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map after the amendment has been approved by the Governing Body together with an entry on the Official Zoning Map. Said entry shall indicate the location of the nature and description of the change, together with a record of the official action.
- 3.2.4 No changes shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change by any person shall be

considered a violation of this Ordinance.

- 3.2.5 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the Town Clerk shall be the final authority as to the current zoning status of land, buildings, and other structures in the Town.

3.3 Replacement of Official Zoning Map

- 3.3.1 In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and actions, the Governing Body may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bear the seal of the of the Town under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Official Zoning Ordinance for Ashland, Mississippi."

3.4 Rules for Interpretation of Zoning District Boundaries

- 3.4.1 Where uncertainty exists as to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
- 3.4.1.1 Except where referenced and noted on the Official Zoning Map by a designated line and/or dimensions, the District boundary lines are intended to follow property lines, lot lines, or center lines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Ordinance, or the extension of such lines. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
- 3.4.1.2 The Administrative Official shall interpret the boundary lines which are on the Zoning Map. When the Administrative Official's interpretation is disputed, the boundary lines shall be determined by the Mayor and Board of Aldermen on recommendation by the Planning Commission.
- 3.4.1.3 Any territory hereafter annexed to the Town shall be in the R-1 Single-Family Residential District unless the Governing Body rezones it to another Zoning classification at the time of annexation.

SECTION 4 GENERAL PROVISIONS

4.1 Application of Regulations

The regulations established by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

4.1.1 No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the zoning district in which it is located.

4.1.2 No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

4.2 Lot of Record

Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance, does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as 5 building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the Board.

4.3 Front Yard Exception

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on developed lots, located on each side of such lot and within the same block and zoning district and fronting on the same street of such lot, is less than the minimum required front yard depth. In such case, the depth of the front yard on such lot may be less than the required front yard, but not less than the average of the existing front yard depth on the developed lots. In residential districts; however, the front yards shall in no case be less than twenty (20) feet in depth.

4.4 Nonconforming Lots, Structures and Uses of Land and Structures

4.4.1 Intent - Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures and uses of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

4.4.2 Non-conforming lots of record - All existing lots of record, which at the time of adoption or amendment of this Ordinance, became nonconforming lots in regard to lot area or width, and which Are under single ownership and not of continuous frontage with other lots under the same ownership, may be used for any permitted use in the district in which they Are located. The owner of such a lot

shall apply to the Planning Commission for a variance to the district regulations, and every effort shall be made by him to comply with the district regulations. Such variance to the district regulations shall not allow any use of the property other than permitted uses within the district. If two or more lots or combinations of lots or portions of lots with continuous frontage and under single ownership are of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot area or lot width, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or lot area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this Ordinance.

- 4.4.3 Nonconforming Structures - Except as hereinafter specified, any lawful structure existing at the time of the effective date of this Ordinance, or on the effective date of any amendment hereto by which the structure becomes nonconforming, may be continued although such structure does not conform to the provisions of this Ordinance.**
- 4.4.3.1 Enlargement. Except when required to do so by law or ordinance, no non-conforming structure or structures shall not be enlarged, extended, reconstructed, or structurally altered in a way which increases its non-conformity, but any such structure may be altered to decrease its non-conformity.**
- 4.4.3.2 Relocation. Should a non-conforming structure be moved for any reason for any distance whatever, it shall there-after conform to the regulations for the district in which it is located after it is moved.**
- 4.4.3.3 Non-Conforming Uses of Land and Structures - Except as herein-after specified, any lawful use existing at the time of the effective date of this Ordinance, or on the effective date of any amendment hereto by which the use becomes non-conforming, may be continued although such use does not conform to the provisions of this Ordinance.**
- 4.4.3.3.1 Termination, Any one of the following acts or conditions shall terminate immediately the right to operate a non- conforming use:**
- 4.4.3.3.1.1 Changing to a conforming use.**
- 4.4.3.3.1.2 Abandonment or Discontinuance of use for a period of 90 days.**
- 4.4.3.3.1.3 Damage or Destruction of the structure or structures in which the use is operated by any cause whatsoever when the cost of repairing such damage or destruction exceeds 50 per cent of the replacement cost of such structure or structures as of the Date of such damage or destruction of the structure or structures in which the use is operated.**
- 4.4.4 Repair and Maintenance - On any non-confirming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 10 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it became non-conforming shall not be increased,**
- 4.4.5 Change to other Non-Conforming Use - If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the Board of Adjustment, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this ordinance.**

4.5 Miscellaneous

- 4.5.1 Visibility at Intersections in Residential Districts:** On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and a half and ten feet above the centerline grades of the intersecting streets in The area bounded by the street lines of such corner lots and a line joining points along said street lines 25 feet from the point of the intersection of said street lines.
- 4.5.2 Fences, Walls, Hedges:** Notwithstanding other provisions of this Ordinance, fences, wall, and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over four feet in height.
- 4.5.3 Accessory Dwellings:** No accessory building shall be erected in any required front or side yard, and no separate accessory building shall be erected within five feet of any other building.
- 4.5.4 Erection of More than One Principal Structure on a Lot:** In any district, more than one structure housing a permitted principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.
- 4.5.5 Exceptions to Height Regulations:** The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, silos, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- 4.5.6 Structures to Have Access:** Every building hereafter erected or moved shall be on a lot adjacent to a public street or road and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- 4.5.7 Parking, Storage, or Use of Major Recreational Equipment:** For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like. No major recreational equipment shall be parked or stored on any lot in a residential district except in a car port or enclosed building or behind the nearest portion of a building to a street, provided however that such equipment may be parked anywhere on residential premises for not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.
- 4.5.8 Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers of any kind or type without current license plates or current inspection or that are in an inoperable condition, shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- 4.5.9 Corner Lot Yards.** The minimum side yard setback line on any street not having lots fronting upon it shall be fifteen (15) feet from the right-of-way or easement line. Where there is more than one lot on the same block the side yard of a corner lot shall conform to the front yard setback requirements of such street.

4.6 Uses Permitted - Table of Permitted Uses

The Table of permissible uses should be read in close conjunction with the definitions of terms set forth in Article 2, Definitions and the other interpretive provisions set forth in this article. As used

in this table, “P” shall stand for Permitted Use, “A” shall stand for Use Permitted on Appeal, and “S” shall stand for Supplemental Regulations as found in Article VI Apply.

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
1.0 Residential										
1.1 Single-family, Detached, One Dwelling per Lot										
1.110 Site built	P	P	P	P						**
1.112 Modular structures	P	PA	PA							**
1.113 Manufactured Home	P	PA	PA							
1.114 Mobile home	PA									**
1.115 Manufactured Home Parks	PA									
1.2 Single-family, Detached, More than One Dwelling per Lot with required lot area and set backs										
1.21 Site Built	P	PA	PA	P						**
1.3 Two Family Residences										
1.31 Two Family Conversion			PA	P						**
1.32 Primary Residence with accessory apartment	PA	PA	PA	PA						**
1.33 Duplex, New Construction			P	P						**
1.4 Multiple Family Residences										
1.41 Multi-Family Conversion				P						

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
1.5 Homes Emphasizing special devices, treatments, or supervision										
1.51 Homes for Handicapped or Infirm				P						**
1.52 Nursing Care, Intermediate				P						**
1.53 Child care homes			PA	PA						**
1.54 Halfway homes				PA						**
1.6 Miscellaneous residential situations										
1.61 Rooming or boarding houses										**
1.62 Home Occupations	P	P	P	PA						**
1.63 Bed and Breakfast Homes	PA	PA	PA	PA	PA					**
1.64 Single Family Conversion in the Downtown Commercial District							PA			
2.0 Sales and Rental of Goods, Merchandise and Equipment										
2.1 Inside Storage or Display										
2.11 High volume traffic										
2.111 Convenience stores					P	P	P			**
2.112 All other uses					PA	P	P			**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
2.12 Low volume traffic generation					P	P	P			**
2.13 Wholesale						P	P			**
2.2 Outside Storage or Display										
2.21 High volume traffic generation						P	PA			**
2.22 Low Volume Traffic Generation						P	PA			**
2.23 Wholesale						P	P			**
3.0 OFFICE, CLERICAL, RESEARCH, AND SERVICES NOT RELATED TO GOODS										
3.1 Inside Operations										
3.11 Professional offices serving clients on premises					P	P	P			**
3.12 Offices without client traffic					P	P	P	P	P	**
3.13 Clinics of health care professionals with not more than 10,000 square feet gfa					P	P	P			**
3.2 Inside or Outside Operations										
3.21 Professional Offices serving clients on premises					P	P	P			**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
3.22 Offices without client traffic					P	P	P	P	P	**
3.23 Banks with drive-in Windows					P	P	PA			**
4.0 MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLY										
4.1 Inside Operations										
4.11 Majority of Business done with walk-in trade								P	PA	**
4.12 Majority of Business not done with walk-in trade								P	P	**
4.2 Inside or Outside Operations								PA	PA	**
5.0 EDUCATION, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, AND FRATERNAL USES										
5.1 Schools and Day Care										
5.11 Elementary and Secondary (including associated grounds, athletic, and other facilities)	P	P	P	P	P	P				**
5.12 Trade or Vocational Schools	P	P	P	P	P	P				**
5.13 Colleges, Universities, Community Colleges (including associated grounds, athletic, and other facilities)	P	P	P	P	P	P				**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
5.2 Churches, Synagogues, Mosques and Temples (Including associated residential structures for religious Personnel and associated buildings, but not including elementary or secondary schools	P	P	P	P	P	P	PA			**
5.3 Libraries, Museums, art galleries, and similar uses (including associated non-profit educational and instructional activity										**
5.31 In a converted residence with less than 3500 square feet of gfa		PA	P	P	P	P	P			**
5.32 Within any other permissible structure	PA	PA	PA	PA	P	P	P			**
5.4 Social, fraternal clubs and lodges, union halls, and similar uses	PA				P	P	P			**
6.0 RECREATION AND AMUSEMENT										
6.1 Inside Operations										**
6.11 Bowling alleys, skating rinks, indoor tennis and squash courts, billiard and pool halls, indoor athletic and exercise facilities, and similar uses					PA	P	PA			**
6.12 Movie theaters						P	P			**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
6.13 Coliseums, Stadiums, and all other similar facilities seating more than 1000 people	P	PA	PA	PA	P	P	P			**
6.2 INSIDE OR OUTSIDE OPERATIONS										
6.21 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., independent of a residential development	P	P	P	P	P	P				**
6.22 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., in conjunction with a residential development	P	P	P	P	P	P				**
6.23 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses	P				PA	P				**
6.24 Horseback riding stables independent of a residential development	P									**
6.25 Automobile and motorcycle racing tracks						PA		PA	PA	**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
7.0 INSTITUTIONAL RESIDENCE OR CARE FACILITIES										
7.1 Hospitals, Clinics, Mental Health and other medical treatment facilities in excess of 10,000 square feet of gross floor area	P		PA	P	PA	P				**
7.2 Nursing care institutions, intermediate care institutions, handicapped or Infirm institution, child care institutions	P			P	PA	P				**
7.3 Penal and correctional facilities	PA					PA		PA		**
8.0 RESTAURANTS, BARS, AND NIGHTCLUBS										
8.1 No live or recorded entertainment and no alcoholic beverages served					P	P	P			**
8.2 Live or recorded entertainment or alcoholic beverages served						PA	PA			**
9.0 MOTOR VEHICLE SALES AND SERVICE OPERATIONS										
9.1 Motor Vehicle Sales or Rental					PA	P				**
9.2 Manufactured Home Sales						P				**
9.3 Motor vehicle repair and maintenance						P		P	P	**
9.4 Gas Sales					P	P	P	P	P	**
9.5 Car wash					PA	P		P	P	**
10. STORAGE AND PARKING										

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
10.1 Parking garages or lot relates to an on site use					P	P	P	P	P	**
10.2 Storage of goods not related to on site use or sale										**
10.21 Inside enclosed structure					PA	P	PA	P	P	**
10.22 Inside or outside enclosed structure						PA		P	P	**
11.0 SALVAGE YARDS, SCRAP MATERIALS, AND JUNK YARDS										
12.0 SERVICES AND ENTERPRISES RELATED TO ANIMALS										
12.1 Veterinarian	P				P	P	P			**
12.2 Kennel	PA				PA	P				**
13.0 EMERGENCY SERVICES										
13.1 Police Stations	P	P	P	P	P	P	P	P	P	P
13.2 Fire Stations	P	P	P	P	P	P	P	P	P	P
13.3 Ambulance and Rescue	P	P	P	P	P	P	P	P	P	P
13.4 Civil Defense Operations	P	P	P	P	P	P	P	P	P	p
14.0 AGRICULTURE, FORESTRY AND MINING										
14.1 Agriculture Operations and Farming										
14.12 Excluding Live stock	P	P				P	P	P	P	**
14.13 Including livestock	P	P				P	P	P	P	**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
14.2 Forestry Operations including pulp yards	P	P						P	P	**
14.3 Mining, including on-site sales of products	PA							PA	PA	**
15.0 MISCELLANEOUS PUBLIC AND SEMI-PUBLIC FACILITIES										
15.1 Post Office	P				P	P	P			**
15.2 Airport	PA									**
15.3 Sanitary Landfill								PA	PA	**
15.4 Military reserve, National Guard Centers	P			P	P					**
16. DRY CLEANERS, LAUNDROMAT				P	P	P	P			**
17.0 UTILITY FACILITIES	P	P	P	P	P	P	P	P	P	**
18.0 TOWERS, ANTENNAS AND RELATED STRUCTURES										
18.1 Towers and antennas 50 feet tall or less	P				P	P		P	P	**
18.2 Tower and antennas more than 50 feet tall	PA				PA	PA		PA	PA	**
19.0 OPEN AIR MARKETS AND HORTICULTURAL SALES										
19.1 Farm and craft markets, flea markets, produce markets	P				P	P	P			**

USE	ZONE									
	A	R15	R10	RM6	C1	C2	C3	M1	M2	PUD
19.2 Horticultural sales with outdoor display	P				P	P	P			**
20.0 FUNERAL HOME					P	P	P			**
21.0 CEMETERY	P	P	P							**
22.0 DAY CARE FACILITIES										
22.1 Family Day Care Home	P	PA			P	P				**
22.2 Day Care Center					PA	P				**
23.0 TEMPORARY STRUCTURES USED IN CONNECTION WITH THE CONSTRUCTION OF A PERMANENT BUILDING	P	P	P	P	P	P	P	P	P	P
24.0 BUS STATION						P	P			**
25.0 COMMERCIAL GREENHOUSE OPERATIONS										
25.1 No on site sales	P	PA			PA	P				**
25.2 On site sales permitted	P	PA			PA	P				**
26.0 SPECIAL EVENTS	P					P	PA	P	P	**
** Planned Unit Developments may contain any combination of uses in accordance with Section 810 of this Ordinance										

4.7 Rules Governing Uses

a. In each district no other use other than the types specified as "permitted" or "permitted on appeal" shall be allowed. Uses specified as "permitted" shall be permitted upon application to the Administrative Official. Uses specified as "permitted on appeal" are special exceptions, and no permit shall be issued for such uses except upon application and approval of the Planning Commission and subject to the requirements of this ordinance and such conditions as said Board may require to preserve and protect the character of the district.

b. Sites plans shall be required for zoning amendments for RM6, Manufactured Home, Commercial, and Planned Unit Development Districts.

SECTION 5 SUPPLEMENTARY DISTRICT REGULATIONS

The following standards apply to land uses and proposed land uses requiring site plans and are incorporated as supplemental standards to applicable sections of this ordinance.

5.1 Manufactured Home Park.

A manufactured home park, when granted as a special exception must meet the following requirements:

- 5.1.1 The minimum size of a mobile home park shall be four (4) acres, and shall be developed according to a site plan approved by the Town.
- 5.1.2 The mobile home park Density shall not exceed six (6) mobile homes per acre and every mobile home lot shall contain at least 5,000 square feet of area and a width of not less than 50 feet. No trailer, structure, addition, or appurtenance thereto shall be located less than 10 feet from the nearest adjacent lot boundary.
- 5.1.3 Each trailer site shall abut a hard surfaced driveway, roadway, or street of not less than 30 feet in width, and which shall have unobstructed access to a public highway or street. Space between trailers may be used for parking of motor vehicles if the space is hard surfaced and clearly designated at least 5 feet from the nearest adjacent lot boundary. When such off-street parking spaces are provided, the driveway, roadway, or street serving the lot shall not be less than 24 feet in width. A street plan satisfactory to the Board of Adjustment must be approved prior to construction with streets paved and culverts in place before occupancy. The required improvements shall be in accordance with the requirements and standards for such facilities in the Town's Subdivision Regulations for conventional type subdivisions.
- 5.1.4 Each mobile home park shall be provided with a service building containing emergency sanitary facilities consisting of at least one lavatory, one flush toilet, 3 cloths washers and dryers, and a community meeting space of not less than 1000 heated square feet for each sex per each 20 mobile home lots or fraction thereof.
- 5.1.5 Each mobile home lot shall have a mobile home pad to accommodate the mobile home. The pad shall be graded to obtain adequate surface drainage and shall provide an adequate foundation and anchoring facilities to secure the mobile home against any accidental movement. The material used in constructing the stand shall be concrete and capable of supporting the expected load. Individual connections shall be provided at each mobile home stand for water, sewerage, electricity, telephone, gas, and other service as necessary or required.
- 5.1.6 Regular garbage and refuse pickup service must be provided at each trailer court.
- 5.1.7 Electrical facilities provided to each lot must meet the National Electrical Code requirements. Trailer courts having 10 or more trailer lots must provide an overhead street or night light operating at night. One street light must be provided for each 10 trailer lot spaces, or portion thereof within the court;
- 5.1.8 Each trailer court must provide suitable, fenced playground area of not less than 300 square feet for each trailer space;
- 5.1.9 In approving a trailer court site, there may be imposed such reasonable requirements as to screening and other features of the development as are deemed necessary to protect adjacent property and prevent objectionable conditions. A twenty five foot landscaped area shall be provided around the entire perimeter of a mobile home park adjacent to any residential dwelling district;
- 5.1.10 After completion of improvements and prior to opening the mobile home park, a final plat shall be submitted in accordance with Town Subdivision Regulations. Such plats need not be recorded in the Chancery Clerk's office, but must be approved by the Planning Commission and Mayor and Board of Aldermen and filed in a plat book in Town Hall.
- 5.1.11 Masonry skirting shall be provided around the perimeter of each mobile home. Mobile home roofs shall

have a pitch of not less than 4 in 12. All siding shall run in a horizontal manner. Trailer tongues shall be removed from the Mobile Home.

5.2 Manufactured Homes on Individual Lots

5.2.1 A manufactured home , when permitted by right or granted as a special exception must meet the following requirements:

5.2.1.1 The minimum roof pitch shall be 6/12

5.2.1.2 Roofs shall be finished with composition asphalt shingles or standing seam metal material

5.2.1.3 Siding shall be masonry, clapboard, or simulated clapboard in design. All siding must run horizontally. In no case shall metal or metallic materials be used as primary siding. Aluminum siding may be used when covering primary siding but its design must be as stated in this item.

5.2.1.4 Structures shall be permanently sites and attached to ground with either slab. Block, or conventional foundation.

5.2.1.5 There shall be a minimum overhang of 6 inches at all eaves.

5.2.1.6 Structures shall be not less than 24 feet wide and no longer than 65 feet in length.

5.2.1.7 Front porches shall be covered with the same roof design as stated above.

5.2.1.8 Structures shall be oriented on a building site so that the front of the structure is considered as primarily facing any public street.

5.3 Site Plan Standards

5.3.1 Site plan standards shall be applied to proposed changes in zoning districts and in subdivisions proposed in applicable districts. Required information required for site plans is listed as follows:

5.3.1.1 A site plan shall be drawn to a scale of not less than two hundred (200) feet to the inch and shall include information listed below;

5.3.1.2 Property boundary lines and dimensions, topography and location map;

5.3.1.3 Natural conditions, including the general location and extent of tree cover; location and extent of water courses, marshes and flood plains on or within 100 feet of the subject property; existing natural drainage patterns and soil conditions;

5.3.1.4 A general grading and landscape plan including the location of major existing trees and vegetation that is to be retained;

5.3.1.5 The general location and maximum number of lots or sites to be developed or occupied by buildings;

5.3.1.6 Arrangement and size of buildings and the general use of the property;

5.3.1.7 Areas to be developed for parking, unloading, drives, walkways, or other circulation improvements;

5.3.1.8 The proposed circulation movements of delivery vehicles, passenger vehicles and pedestrians within the planned business and research park and to and from existing streets;

5.3.1.9 The approximate location of points of ingress and egress and access streets, where required;

5.3.1.10 The general location and maximum amount of area to be devoted to common open space and to be conveyed, dedicated, or reserved for parks, playgrounds, public buildings, and other common use areas;

5.3.1.11 General locations and types of utilities and easements including storm drainage as well as general details of all surfaced areas;

5.3.1.12 The approximate location and general description of type of landscaping, planting or fencing and other treatment to provide buffers to surrounding property;

5.3.1.13 A tabulation of the maximum floor area to be constructed and the proposed maximum floor area ratio;

5.3.1.14 A general traffic analysis, estimating the traffic volumes and movements to and from the

- completed project from the boundary streets;
- 5.3.1.15 A written statement generally describing the relationship of the proposed planned business park to the comprehensive plan and how the proposed park is to be designed, arranged and operated to minimize adverse impacts on neighboring properties;
- 5.3.1.16 A preliminary time schedule for completion of the entire project. If the proposed development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating: (a) the approximate date when construction is expected to begin; (b) the order in which the phases of the project will be built; and (c) the minimum area and the approximate location of common open space and public improvements that will be required at each stage;
- 5.3.1.17 A statement of financial responsibility describing what bond, credit, escrow or other assurance the applicant proposed in order to ensure the proper completion of the planned district within the proposed time schedule and required open space and improvements; and
- 5.3.1.18 A statement describing the proposed means of assuring the continued maintenance of common open space or other common elements and governing the use and continued protection of the planned business park.

5.4 Home Offices

Home Offices, where permitted in the Town of Ashland, shall conform to the following standards:

- 5.4.1 No person other than members of the family residing on the premises shall be engaged in such office activity;
- 5.4.2 The use of the dwelling unit for the home office shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- 5.4.3 There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home office other than one sign, not exceeding one square foot in area, non-illuminated, and mounted flat against the wall of the principal building;
- 5.4.4 No traffic shall be generated by such home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard;
- 5.4.5 No equipment or process shall be used in such home office which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
- 5.4.6 No wholesale or retail establishment shall be permitted unless it is conducted entirely by mail or telephone and does not involve the receipt, sale, shipment, delivery or storage of merchandise on or from the premises;
- 5.4.7 There shall be no storage outside a principal building or accessory structure of equipment or materials used in the home occupation;
- 5.4.8 The home office shall be conducted entirely within the principal residential building;
- 5.4.9 There shall be no group instruction in connection with the home occupation.

5.5 Auto Repair Shops

Auto Repair Shops, where permitted in the Town of Ashland, shall conform to the following standards:

- 5.5.1 All junk cars shall be completely concealed from all surrounding property;

- 5.5.2 Fences shall be solid board and of uniform construction and color;
- 5.5.3 Vehicles shall be only stored temporarily and no parts shall be removed;
- 5.5.4 No more than five vehicles may stored in front of a building at any one time.

5.6 Junk Yards and Salvage Yards

Junk yards and salvage yards are not permitted within the Town of Ashland.

5.7 Mini-Warehouses

Mini-Warehouses , where permitted in the Town of Ashland, shall conform to the following standards:

- 5.7.1 The site must contain a minimum, of 2 acres, but no more than 5 acres;
- 5.7.2 The minimum distance between buildings shall be 25 feet;
- 5.7.3 One (1) parking space for each 50 compartments must be provided;
- 5.7.4 All driveways, parking, loading and vehicle circulation areas shall be paved;
- 5.7.5 A minimum 6 foot high fence shall be erected, the composition of which shall be approved by the Board of Adjustment. A portion of the 50 foot front yard set-back requirement for fences may be waived at the discretion of the Board of Adjustment;
- 5.7.6 Only one sign, meeting the requirements of Section 1100 is allowed;
- 5.7.7 Only dead storage will be allowed; no transfer and storage business will be allowed;
- 5.7.8 No explosives, radioactive, or other hazardous material will be stored on the premises.
- 5.7.9 Other conditions deemed necessary and appropriate by the Board of Adjustment to uphold the intent of the Comprehensive Plan may be attached to any approval including but not limited to lighting, screening, landscaping, architectural design, and live-in managers. Along with the conditional use application the applicant must submit to the Board of Adjustment Staff a development plan showing the proposed buildings in relation to the property, ingress and egress, and architectural drawings of the buildings.

5.8 Bed and Breakfast Homes

Bed and Breakfast Homes, where permitted in the Town of Ashland, shall conform to the following standards:

- 5.8.1 "Bed and Breakfast": The term "Bed and Breakfast" shall mean an owner-occupied dwelling in which a room or rooms are rented on a nightly basis only, and only where the only meal served is the breakfast meal to the guests only. Same must be the primary residence of the owners). In the event the property is owned by two or more persons, then at least one must live on the property regardless of his or her percent of ownership;
- 5.8.2 "Person" means an individual;
- 5.8.3 Guest activities of the patrons and guests of any Bed and Breakfast shall be limited to the entertainment and uses of the property that would likely be extended to visiting friends or relatives of the owner and which use would not unduly disturb neighboring residents. Specifically excluded from said use is the rented or paid use of the property, or any portion thereof for banquets, parties, reunions, etc;
- 5.8.4 The minimum lot size for any Bed and Breakfast shall be at least one (1) acre. The minimum size for any dwelling or building qualifying to be a Bed and Breakfast shall be at least 3,000 square feet of heated and cooled space of the main structure. Maximum number of rooms which any Bed and Breakfast may have available for rent shall be three (3);

- 5.8.5 The maximum stay for any guest shall be limited to eight (8) consecutive days. The owner or proprietor shall maintain a guest register complete with the name of the guest, date and time of arrival as well as departure. Said register shall at all times be available for review and inspection;
- 5.8.6 Each Bed and Breakfast must provide off street parking with a minimum of 1.3 spaces per guest room in addition to any normal or required parking for the dwelling. Parking shall be allowed only in the side and rear yards and must be buffeted from adjoining properties by some natural buffer;
- 5.8.7 Exterior signs on the premises may be no longer than two (2) square feet, may not be illuminated, and shall be either attached to the front of the dwelling or as approved by the site plan submitted to the Town of Ashland. Variances for the size limit shall not be allowed under any circumstances;
- 5.8.8 Failure to abide by the terms of the conditional use permit granted by the Town shall be cause for revocation of said permit. Failure to commence business within six (6) months of the issuance of a permit to operate shall be cause for termination of same. Notice of said termination shall consist of notice in writing by U.S. certified mail to the permit holder at the street address of the Bed and Breakfast. Failure of the establishment at any time to pass inspection by the Mississippi Department of Public Health or the Town Fire Marshall shall require immediate cessation of operations by the establishment until such time s full compliance may be had.

5.9 Commercial Landscape Buffers

Landscape buffers shall be installed upon the construction of commercial buildings which abut residential properties. Such Commercial Landscape Buffers shall consist of an opaque barrier a minimum of six feet in height. Said barrier may of either wood or plant construction or some combination of both, so long as the initial installation achieve a height of 30 inches and will result in a site proof screen at least six feet in height within 36 months of installation. Substitutions for this specification may be considered and approved by the planning commission so long as an equivalent visual effect is achieved.

SECTION 6 AGRICULTURAL AND RESIDENTIAL DISTRICTS

6.1 General Purpose of the Agricultural and Residential Districts

The agricultural and residential districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.

6.2 “A” Agricultural District

6.2.1 Purpose of the Agricultural District

The purpose of the agricultural district is to provide for agricultural activities in a rural residential living environment for Ashland and to prevent premature urban development in areas inadequately served by public facilities.

6.2.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.2.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.2.4 Yard and Bulk Requirements

Minimum Lot Size	1 Acre
Minimum Lot Width at the Building Line	100
Maximum Height	45 feet
Front Yard Setback	50 feet
Side Yard Setback	15 feet
Rear Yard Setback	25 feet
Maximum Floor Area Ratio	25%
Minimum Floor Area Ration	2.2%

6.3 R-15 Limited Low Density Residential District

6.3.1 Purpose of the R-15 District Low Density District

The R-15 Limited Low Density Residential District is designed to accommodate site built single family detached residential uses at low densities in areas where appropriate urban services and facilities are provided or where the extension of such services will be physically or economically facilitated.

6.3.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.3.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.3.4 Yard and Bulk Requirements

Minimum Lot Size	12,000
Minimum Lot Width at the Building Line	70 Feet
Maximum Height	45 feet
Front Yard Setback	30 Feet
Side Yard Setback	7 feet on each
Rear Yard Setback	30 feet
Maximum Floor Area Ration	40%
Minimum Floor Area Ration	12%

6.4 R-10 Low Density Residential District

6.4.1 Purpose of the R-10 Limited Low Density District

The R-10 Limited Low Density Residential District is designed to accommodate site built single family detached residential uses at low densities in areas where appropriate urban services and facilities are provided or where the extension of such services will be physically or economically facilitated.

6.4.2 Permitted Uses

See Section 4.8 Table of Permitted uses.

6.4.3 Uses Permitted on Appeal

See Section 4.8 Table of Permitted uses.

6.4.4 Yard and Bulk Requirements

Minimum Lot Size	10,000
Minimum Lot Width at the Building Line	65 Feet

Maximum Height	45 feet
Front Yard Setback	30 Feet
Side Yard Setback	5/12 Total
Rear Yard Setback	30 feet
Maximum Floor Area Ration	40%
Minimum Floor Area Ration	14.5%

6.5 RM-6 High Density Residential District

6.5.1 Purpose of the RM-6 High Density Residential District

The RM-6 High Density Residential District is designed to accommodate high density, multi-family developments including patio homes, and zero lot line homes in areas where appropriate support services are available.

6.5.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

6.5.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

6.5.4 Yard and Bulk Requirements

Minimum Lot Size	6000
Maximum Height	45 Feet
Minimum Lot Width at the Building Line	50
Site Area per Unit	3000
Front Yard Setback	25
Side Yard Setback	10
Rear Yard Setback	25
Maximum Floor Area Ration	.5

6.5.5 Site Plan Required

A request to rezone land to RM-6 High Density Residential District shall be accompanied by

a site plan conforming to the standards set out in Section 5 Supplemental Standards, 5.2 Site Plan Standards. A request for subdivision approval in the RM-6 High Density Residential District shall also be accompanied by a site plan conforming to the standards set out in Section 5 Supplemental Standards, 5.2 Site Plan Standards.

6.5.6 Open Space Required

Ten percent (10%) of the gross site area shall be reserved as open space.

6.5.7 Use of Zero Lot Line in RM-6 District

Within a common development, one (1) interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

6.5.7.1 The side yard opposite to the zero yard must equal at least 16 feet.

6.5.7.2 The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the common development, or not otherwise designated for zero lot line use.

6.5.7.3 An easement providing for maintenance of the zero lot line facade is filed with the Chancery Clerk at the time of application for a building permit.

6.5.8 Single-Family Attached in the R-6 District: Single-family attached residential is permitted in this district, subject to the following additional regulation:

6.5.8.1 The side yard opposite of the common wall must be equal to at least eight (8) feet.

6.5.9 Townhouse/Condominium Residential in the R-6 District: Townhouse/condominium residential is permitted in this district, subject to the following additional regulations:

6.5.9.1 A maximum of six (6) townhouse units may be attached in any one (1) town house structure.

6.5.9.2 The site area per unit for any common townhouse development must equal at least six thousand (6,000) square feet.

6.5.9.3 The minimum size for any townhouse lot sold individually shall be three thousand (3,000) square feet.

6.5.9.4 The minimum width for any townhouse lot sold individually shall be twenty (20) feet.

6.5.9.5 The maximum floor area ratio shall be computed for the entire common development and for each individual lot within the development. A single lot within the common development cannot exceed the maximum floor area ratio of .6 (.6 square feet of building area per one (1) square foot of site/lot area).

SECTION 7 COMMERCIAL DISTRICTS

7.1 General Purpose of the Commercial Districts

The commercial districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.

7.2 C-1 Neighborhood Commercial District

7.2.1 Purpose of the C-1 District

The C-1 Neighborhood Commercial District is Designed to accommodate neighborhood scale commercial activity.

7.2.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

7.2.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

7.2.4 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	35 feet
Front Yard Setback	20 Feet
Side Yard Setback	None
Rear Yard Setback	20 feet
Maximum Floor Area Ratio	25%

7.2.5 Site Plan Required

A request to rezone land to C-1 Neighborhood Commercial District shall be accompanied by a site plan conforming to the standards set out in Section 5.2 Site Plan Standards.

7.2.6 Building Requirements - Commercial building shall provide a masonry veneer on all parts of the building visible from public view.

7.2.7 Building size shall be limited to 10,000 square feet.

7.3 C-2 Community Commercial District

7.3.1 Purpose of the C-2 Community Commercial District

The C-2 Community Commercial District is designed to accommodate commercial activities that draw commercial primarily from and provide services to major highways.

7.3.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

7.3.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

7.3.4 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	45 feet
Front Yard Setback	20 Feet
Side Yard Setback	none
Rear Yard Setback	20 feet
Maximum Floor Area Ratio	25%

7.3.5 Site Plan Required

A request to rezone land to C-2 Highway Commercial shall be accompanied by a site plan conforming to the standards set out in Section 5.2 Site Plan Standards

7.3.6 Building Requirements - Commercial building shall provide a masonry veneer on all parts of the building visible from public view.

7.4 C-3 Downtown Central Business District

7.4.1 Purpose of the C-3 Downtown Central Business District

The C-3 Downtown Central Business District is designed to accommodate a wide variety of commercial uses (particularly those that are pedestrian oriented) that will result in the most intensive and attractive use of the Town 's downtown central commercial district.

7.4.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

7.4.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

7.4.4 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	50 feet
Front Yard Setback	None
Side Yard Setback	None
Rear Yard Setback	None
Maximum Floor Area Ratio	100%

7.4.5 Site Plan Required

A request to rezone land to C-3 Downtown Central Commercial District be accompanied by a site plan conforming to the standards set out in Section 5.2 Site Plan Standards.

7.4.6 Building Requirements - Commercial building shall provide a masonry veneer on all parts of the building visible from public view.

SECTION 8 INDUSTRIAL DISTRICTS

8.1 General Purpose of the Industrial Districts

The industrial districts established in this ordinance are designed to promote and protect the health, safety, morals, convenience, order, prosperity, and other aspects of the general welfare.

8.2 M-1 Light Industrial District

8.2.1 Purpose of the M-1 Light District

The purpose of the M-1 Light Industrial District is to provide for a wide variety of light manufacturing, assembly, and processing establishments. The district should adjoin highways and rail access is desirable. Uses should not generate objectionable levels of noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences.

8.2.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

8.2.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

8.2.4 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	35 feet
Front Yard Setback	20 Feet
Side Yard Setback	None
Rear Yard Setback	20 feet
Maximum Floor Area Ratio	80%

8.3 M-2 Heavy Industrial District

8.3.1 Purpose of the M-2 Heavy Industrial District

The Purpose of the M-2 Heavy Industrial District is to accommodate, where public health, safety and welfare concerns are met, those industries that utilize toxic chemicals or wastes in their manufacturing processes. The district should adjoin highways and rail access is desirable.

8.3.2 Permitted Uses

See Section 4.6 Table of Permitted uses.

8.3.3 Uses Permitted on Appeal

See Section 4.6 Table of Permitted uses.

8.3.4 Yard and Bulk Requirements

Minimum Lot Size	None
Minimum Lot Width at the Building Line	None
Maximum Height	35 feet
Front Yard Setback	50 Feet
Side Yard Setback	50 Feet
Rear Yard Setback	50 Feet
Maximum Floor Area Ratio	50%

SECTION 9 PLANNED AND OVERLAY DISTRICTS

9.1 Planned Unit Development District

The purpose of the Planned Unit Development District is to provide for the development of planned total communities that provide a full range of residential types as well as certain commercial, office, or light industrial uses designed to serve the inhabitants of the districts consistent with the Comprehensive Plan. For purposes of this ordinance a Planned Unit Development shall be a tract of land at least 4 acres in area, under single, corporation, firm, partnership or association ownership, planned and developed as an integrated unit, in a single development operation or a programmed series of development operations and according to an approved Preliminary Site Plan.

9.1.1 Site Plan Required

The "PUD" District shall be established only upon application, after public hearing as specified in the amendatory procedures of Article and shall require an approved Preliminary Site Plan and Project Narrative which when zoning is granted will govern the development of the land and all development plans thereof. The Site plan shall conform to the Section 5.2 Site Plan Standards.

9.1.2 Minimum District Area

The Minimum area for a "PUD" District shall be 4 acres.

9.1.3 Permitted Uses:

A list of permitted uses within each Planned Unit Development must be submitted with the application for establishment of the District and the preliminary site plan and must be approved by the Planning Commission and Governing Authority upon application by the owner of the property.

9.1.4 Procedures

An application for rezoning to "PUD" District shall be accompanied by a Site Plan and Project Narrative presenting the following:

9.1.4.1 Proposed land uses and population densities

9.1.4.2 Proposed primary circulation pattern

9.1.4.3 Proposed parks and playgrounds

9.1.4.4 Delineation of the units or phases to be constructed together with a proposed timetable

9.1.4.5 Proposed means of dedication of common open space areas and organizational arrangements for the ownership, maintenance and preservation of common open space

9.1.4.6 Relationship to the Town Comprehensive Plan, land uses in the surrounding area and to the general plan of the PUD. Rezoning procedures shall be in accordance with Article XV of this ordinance. Following the initial rezoning procedure, the proposed development shall follow all applicable procedures and requirements governing the subdivision of land. No building permits shall be issued until a final plat of the proposed development, or portion thereof, is approved, filed, and recorded. No building designed or intended to be used, in whole or in part, for commercial purposes shall be constructed prior to the construction of less than 25% of the dwelling units proposed in the plan, or construction of 100 dwellings units, whichever is smaller. If construction of the "PUD" District is restarted within two years of the date of approval, the Board of Aldermen may consider rezoning the site to its previous classification.

The applicant, by showing good cause why he cannot adhere to the proposed timetable described in 11.14(4), may seek an extension of not more than one (1) year at a time. A request for extension shall be submitted in writing to the Planning Commission.

9.1.5 Review Standards

The site plan must provide for and conform entirely to the following standards and requirements:

- 9.1.5.1 In order to encourage ingenuity, imagination, and high quality design, regulations on residential areas will not specify minimum lot area per dwelling unit but will limit density in residential areas to 5 families per acre in single family dwellings or 20 families per acre in multi-family dwellings. This will allow clustering of dwellings to provide maximum open space.
- 9.1.5.2 Street widths and improvement thereof, as well as off street parking facilities must conform to county standards or in lieu of such standards, to requirements established by the Governing Authority.
- 9.1.5.3 Provisions for water supply, sanitary sewers, storm water drainage, and connections shall be made to the satisfaction and requirements of the Governing Authority and the appropriate state authority.
- 9.1.5.4 All improvements are to be installed and maintained by the developer unless other arrangements approved by the Governing Authority are made.
- 9.1.5.5 The Governing Authority may require other special improvements as they are required if they are deemed reasonable and essential, and may require that appropriate deed restrictions to be filed enforceable by the Governing Authority for 20 years.
- 9.1.5.6 A minimum total area of 10% of the gross residential area shall be set aside as parks and playgrounds. Of this 10%, a maximum of one half may be covered with water. A maximum of 5% of the area designated to be parks and playgrounds may be covered with structures to be used in the recreational use of the area. Parks and playgrounds must be suitably improved for its intended use but parks and playgrounds containing natural features clearly worthy of preservation may be left unimproved.
- 9.1.5.7 The developer shall also submit sketches of the plan for the entire project showing the relationship of uses, street patterns, open space and the general character of the proposed development, including a schematic drawing illustrating a typical segment of the development.
- 9.1.5.8 After approval, filing, and recording of the plan, a building permit may be issued in accordance with the approved plan.

9.2 Flood Plain Overlay

The flood plain overlay district shall consist of those areas designated as being in the 100 year flood zone on the Flood Insurance Rate Maps as published by the appropriate agency of the United State Government and adopted by Ashland for participation in the National Flood Insurance Program. Uses in the zone shall be specified in the underlying zone for applicable territory and any condition required by the National Flood Insurance Program shall be administered by Ashland in relation hereto.

SECTION 10 OFF STREET PARKING

10.1 Definitions

Unless otherwise specifically provided or unless clearly required by the context, the words and phrases defined below shall have the meaning indicated when used in this section.

- 10.1.1 Circulation Area.** That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.
- 10.1.2 Driveway.** That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.
- 10.1.3 Gross Floor Area.** The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.
- 10.1.4 Vehicle Accommodation Area.** That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).
- 10.1.5 Parking Area Aisles.** That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.
- 10.1.6 Parking space.** A portion of the vehicle accommodation area set for the parking of one vehicle.

10.2 Number of Parking Spaces Required

- 10.2.1** All developments in all zoning districts shall provide a sufficient number of parking spaces to accommodate the number of vehicles that ordinarily are likely to be attracted to the development in question.
- 10.2.2** The presumptions established by this article are that:

- 10.2.2.1** A development must comply with the parking standards set forth herein, and
- 10.2.2.2** Any development that does meet these standards is in compliance. However, the Table of Parking Requirements is only intended to establish a presumption and should be flexibly administered, as provided in this section.

10.3 Interpretation of Spaces

Uses in the Table of Parking Requirements, are indicated by a numerical reference keyed to the Table of Permissible Uses. When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.

10.4 Table of Parking Requirements

Land Use Designation and Parking Requirement	
1.1	2 spaces per dwelling unit
1.2	2 spaces for each dwelling unit, except that one-bedroom units require only one space

1.3 1.4	With respect to multi-family units located in buildings where each dwelling unit has an entrance and living space on the ground floor, the requirement shall be 1 space for each one-bedroom unit and 2 spaces for each unit with two or more bedrooms. Multi-family units limited to persons of low or moderate income or the elderly require 1 space per unit. All other multi-family units require 1 space prior each bedroom in each unit plus 1 additional space for every four units in the development.
1.5 1.6	3 spaces for every five beds
2.11	1 space per 200 square feet of gross floor area.
2.12	1 space per 400 square feet of gross floor area.
2.21	1 space per 200 square feet of gross floor area
2.22	1 space per 400 square feet of gross floor area.
3.1	1 space per 200 square feet of gross floor area.
4.11	1 space per 500 square feet of gross floor area, or 1 space for every 2 employees
5.0	1.75 spaces per classroom in elementary schools 5 spaces per classroom in high schools.
5.13	1 space per 150 square feet of gross floor area.
5.2	1 space for every four seats in the portion of the church building to be used for services plus spaces for any residential use as determined in accordance with the parking requirements set forth above for residential uses, plus 1 space for every 200 square feet of gross floor area designed to be used neither for services nor residential purposes.
5.3	1 space per 300 square feet of gross floor area.
5.4	1 space for every four seats.
6.	1 space for every three persons that the facilities are designed to accommodate when fully utilized (if they can be measured in such a fashion -- example, tennis courts or bowling alleys) plus 1 space per 200 square feet of gross floor area used in a manner not susceptible to such calculation, or 1 space for every four seats as appropriate.
7.1	2 spaces per bed or 1 space per 150 square feet of gross floor are, whichever is greater.
8.0	1 space per 100 square feet of gross floor area.
9.0	1 space per 200 square feet of gross floor area.
10.0	1 space for every two employees on the maximum shift
10.2	but not less than 1 space per 5,000 square feet of area devoted to storage (whether inside or outside).
11.	1 space per 200 square feet of gross floor area.
12.	1 space per 200 square feet of gross floor area.
13	1 space per 200 square feet of gross floor area.

14	1 space for every two employees on maximum shift.
15	1 space for every two employees on maximum shift.
15.3	1 space for every two employees on maximum shift.
15.4	1 space per 100 square feet of gross floor area.
16	7 space per 200 square feet of gross floor area.
19	1 space per 1,000 square feet of lot area used for storage, display, or sales.
20	1 space per 100 square feet of gross floor area.
21	1 space per 200 square feet of gross floor area.
22	1 space per employee plus 1 space per 200 square feet of gross floor area.
24	1 space per 200 square feet of gross floor area.
25	1 space per 200 square feet of gross floor area.
26	As approved on Use Permitted on Appeal application

10.5 Flexibility in Administration Required

The Board recognizes that, due to the particularities of any given development, the inflexible application of the parking standards set forth in this section may result in a development either with inadequate parking space or parking space far in excess of its needs. The former situation may lead to traffic congestion or parking violations in adjacent streets as well as unauthorized parking in nearby private lots. The latter situation wastes money as well as space that could more desirably be used for valuable development or environmentally useful open space. Therefore, as suggested in this section, the permit-issuing authority may permit deviations from the presumptive requirements of this section and may require more parking or allow less parking whenever it finds that such deviations are more likely to satisfy the standard set forth in Section .

10.5.1 Without limiting the generality of the foregoing, the permit-issuing authority may allow deviations from the parking requirements set forth herein when it finds that:

10.5.1.1 A residential development is irrevocably oriented toward the elderly;

10.5.1.2 A business is primarily oriented to walk-in trade.

10.5.2 Whenever the permit-issuing authority allows or requires a deviation from the presumptive parking requirements set forth in this section, it shall enter on the face of the permit the parking requirement that it imposes and the reasons for allowing or requiring the deviation.

10.6 Parking Space Dimensions

10.6.1.1 Each parking space shall contain a rectangular area at least 20 feet long and 9 feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section;

10.6.1.2 Wherever parking areas consist of spaces set aside for parallel parking, the dimensions of such parking spaces shall be not less than 22 feet by 9 feet.

10.7 Required Widths of Parking Area Aisles and Driveways

Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking.

	Parking Angle				
	0"	30"	45"	60"	90"
	Aisle Width				
One Way Traffic	13'	11'	13'	18'	24'
Two Way Traffic	19'	20'	21'	23'	24'

Driveways shall be not less than 10 feet in width for one-way traffic and 18 feet in width for two-way traffic, except that 10 feet wide driveways are permissible for two-way traffic when (I) the driveway is not longer than 50 feet, (ii) it provides access to not more than 6 spaces, and (iii) sufficient turning space is provided so that vehicles need not back into a public streets.

10.8 General Design Requirements

- 10.8.1 Unless no other practicable alternative is available, vehicle accommodation areas shall be designed so that, without resorting to extraordinary movements, vehicles may exit such areas without backing onto a public street. This requirement does not apply to parking areas consisting of driveways that serve one or two dwelling units, although backing onto arterial streets is discouraged.
- 10.8.2 Vehicle accommodation areas of all developments shall be designed so that sanitation, emergency, and other public service vehicles can serve such developments without the necessity of backing unreasonable distances or making other dangerous or hazardous turning movements.
- 10.8.3 Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. such areas shall also be designed so that vehicles do not extend over sidewalks or tend to bump against or damage any wall, vegetation, or other obstruction.
- 10.8.4 Circulation areas shall be designed so that vehicles can proceed safely without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- 10.8.5 No driveway shall exceed twenty-five (25) feet in width. Detailed plans shall be submitted for approval of all driveway openings in commercial and industrial zones before a building permit may be obtained therefor.

10.9 General Rules and Exceptions

- 10.9.1 In the "R" District, no parking of motor vehicles shall be allowed in any front yard, except in a paved driveway.
- 10.9.2 No major recreational equipment such as boats and boat trailers, travel trailers, pickup campers or coaches, motorized dwellings, tent trailers, and the like, shall be parked or stored on any front yard in any "R" District except in a paved driveway.

- 10.9.3 Junk vehicles, recreation equipment, and trailers of any kind or type without current inspection stickers shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.**
- 10.9.4 No truck rated more than 1 ton, trailer (Low boy, flat bed or otherwise), tractor, or other machines or heavy equipment shall be parked in any AR or R zone in either the yard or at the street other than for service and delivery purposes.**

SECTION 11 SIGNS AND OUTDOOR ADVERTISING

11.1 DEFINITIONS:

- 11.1.1 SIGN:** Any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, service, place, activity, person, institution, or business. Signs erected by an authorized public agency for the purpose of directing traffic or providing information are not affected by these regulations, National and state flags, when properly displayed, are not considered a sign under these regulations.
- 11.1.2 SIGN AREA:** The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double faced sign shall be allowed the total area of a single faced sign on each face.
- 11.1.3 ADVERTISING DEVICE:** Banners affixed on poles, wires or ropes, and streamers, wind operated devices, flashing lights, and other similar devices.
- 11.1.4 BENCH SIGN:** A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.
- 11.1.5 DIRECTORY SIGN:** Any sign on which the names and locations of occupants or the use of the building is given. This shall include office buildings and church directories.
- 11.1.6 GROUND SIGN:** Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and reading matter when such sign is supported by two or more uprights, posts, or braces affixed in the ground and not attached to any part of a building.
- 11.1.7 MARQUEE SIGN:** Any sign affixed to a marquee over the entrance to a building and supported from the building.
- 11.1.8 PORTABLE SIGN:** A sign, usually of a temporary nature, but not permanently affixed to the ground or to a building or structure.
- 11.1.9 POST SIGN:** Any letter, word, model sign, device or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.
- 11.1.10 PROJECTING SIGN:** A sign which is attached to and projects more than 12 inches from the face of a wall of a building.
- 11.1.11 ROOF SIGN:** Any sign erected, constructed, or maintained upon the roof of any building or any wall sign which extends more than 36 inches above the roof line or parapet wall of a building.
- 11.1.12 TEMPORARY SIGN:** Ground signs advertising future use or development of property with a sign area per face not exceeding one hundred (100) square feet, not remaining more than six months on the property on which it is located and not more than one sign per parcel of land and located not closer than one(1) foot from the right-of-way.
- 11.1.13 TRAFFIC DIRECTIONAL SIGN:** Any sign which aids the flow of traffic.
- 11.1.14 WALL SIGN:** Any sign or poster on any surface or plane that may be affixed to the front, side or rear wall of any building. Any sign on a window which exceeds more than twenty (20) percent of the window area is considered a wall sign.

11.2 SIGN REQUIREMENTS FOR PERMANENT SIGNS BY ZONE

- 11.2.1** The following sign regulations by districts are intended to include every district in the Town . The districts are as defined by the zoning ordinance and official zoning map. Only permanently located signs described herein will be permitted in each particular district, except for public signs and Town, State and Federal historic markers.

- 11.2.1.1 "A" Agricultural District - This section shall apply to the district in the zoning ordinance known as the Agricultural District
- 11.2.1.1.1 Allowable Signs - Signs advertising activities conducted on the property, except for Home Occupations.
- 11.2.1.1.2 Size - Signs shall not exceed one-hundred (100) square feet per face or a total of two hundred (200) square feet for all signs on the property.
- 11.2.1.1.3 Location
- (a) Signs shall not be erected within one hundred (100) feet of road intersections.
 - (b) There shall not be more than one sign within each one hundred (100) lineal feet of highway frontage.
 - (c) Signs shall be located at least forty (40) feet from the centerline of any road and shall not exceed thirty-five (35) feet in height.
- 11.2.1.2 "R" Residential Districts - This section shall apply to all districts designated by the zoning ordinance as Agricultural, Residential, Overlay, or Planned Unit Development.
- 11.2.1.2.1 Allowable Signs - 1)Ground mounted subdivision identification signs; 2)Signs for schools, churches, hospitals, nursing homes and day care centers
- 11.2.1.2.2 Size - Ground Mounted Subdivision Identification Sign. The actual subdivision name (letters band spaces between letters) be limited to twenty-five (25) square feet on one side and in no case shall the total subdivision name exceed fifty (50) square feet. Signs for schools, churches, hospitals, nursing homes and day care centers the sign area for one face shall not exceed a total of thirty-five (35) square feet. In no case shall the total sign area exceed seventy five (75) square feet.
- 11.2.1.2.3 Location:
- (a) Ground mounted subdivision identification signs shall be set back a minimum ten (10) feet from the right-of-way. The setback requirement may be reduced by the Planning Commission providing the height of the sign does not exceed 3' - 0".
 - (b) Signs for schools, churches, hospitals, nursery homes and day care centers shall be located on the property and set back a minimum of one (1) foot from the right-of-way.
- 11.2.1.2.4 Height:
- (a) Ground Mounted Subdivision Identification Signs shall be a maximum of six (6) feet as measured from surrounding grade.
 - (b) All other signs shall not exceed fifteen (15) feet as measured from surrounding grade.
- 11.2.1.3 "C-1" Neighborhood Commercial District - This section shall apply to the districts in the zoning ordinance known as "C-1".
- 11.2.1.3.1 Allowable Signs- (a) Wall Signs; (b) Ground Mounted Signs; (c) Post signs; (d) Directories; (e) Temporary Signs
- 11.2.1.3.2 Size- (a) The maximum total sign area of a wall sign shall be fifty (50) square feet, or one (1) square foot for each lineal foot of building wall or lease space on which the sign is erected, whichever results in the smaller sign area; (b) Ground Mounted Signs, post signs and directories shall not exceed fifty (50) square feet per face per street frontage and total sign area shall not exceed one hundred (100) square feet total for all faces; (c) The total sign area allowed will not exceed 1 ½ square feet per foot of lineal frontage, The frontage being determined by the principle entrance to the premises and on only one side of the lot.
- 11.2.1.3.3 Location:
- (a) Wall signs shall not project more than twelve inches from the face of the building.
 - (b) Ground mounted, post and directory signs shall be set back a minimum of one (1) foot from the right-of-way.
 - (c) There shall not be more than one (1) ground mounted, directory or post sign per

100 feet. The separation of ground mounted, directory or post signs on adjoining lots shall include a minimum distance one-hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.

11.2.1.3.4 Height - The height of all signs shall not exceed twenty (20) feet.

11.2.1.4 "C-2 and C-3" Commercial Districts - This section shall apply to all districts designated by the zoning ordinance as C-2 and C-3 Commercial.

11.2.1.4.1 Allowable Signs - (a) Roof Signs; (b) Wall Signs; (c) Ground Mounted Signs; (d) Post Signs (e) Marquee Signs; (f) Awning Signs; (g) Directories; (h) Bench Signs; (I) Projecting Signs

(j) Temporary Signs

11.2.1.4.2 Size - (a) The total square footage of all signs shall not exceed two (2) square feet per foot of lineal frontage. The frontage being determined by the principle entrance to the premises and on only one side of the lot. Double faced signs shall not be counted twice.; (b) Wall, roof, marquee and awning signs shall not exceed one hundred and twenty five (125) square feet. The maximum sign area for wall and roof signs may be increased one (1) square foot for each additional two (2) feet of building setback.; (c) Ground mounted signs, post signs, and directories shall not exceed one hundred (100) square feet.; (d) Bench signs shall not exceed twelve (12) square feet in area.; (e) Projecting signs shall not exceed fifteen (15) square feet in area.

11.2.1.4.3 Location:

- (a) Wall signs shall not extend beyond the surface of the building more than twelve (12) inches.
- (b) Projecting signs shall not extend more than five (5) feet from the building into the front yard.
- (c) Ground mounted, bench signs, directories and post signs shall be at least one (1) foot from the right-of-way.
- (d) There shall not more than one ground mounted, bench sign, directory or post sign per 100 feet. The separation of ground mounted, post or directory signs on adjoining lots shall include minimum distance of one hundred (100) feet between signs. In instances where an individual property owner does not own sufficient land to meet the minimum separation distance between signs, one sign will be allowed on this property at a location as remote from existing signs as possible.
- (e) Marquee signs may extend eight (8) feet into a front yard. A marquee shall not be less than eleven (11) feet above the ground at its lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three (3) feet above nor one foot below such marquee.

11.2.1.4.4 Height - (a) Projecting signs shall not be less than eight (8) feet in height from the pavement line.; (b) Maximum height not to exceed thirty-five (35) feet.

11.2.1.5 "M" Industrial Districts - This section shall apply to all districts designated by the zoning ordinance as "M-1" and "M-2".

11.2.1.5.1 Allowable Signs - All signs permitted under the "C" Commercial Districts.

11.2.1.5.2 Size - No sign shall exceed four hundred (400) square feet in area.

11.2.1.5.3 Location:

- (a) However, not more than one off premises sign shall be erected for each one-

quarter mile of road frontage.

(b) No ground mounted or post sign exceeding one hundred (100) square feet may be erected within six hundred sixty (660) feet of the intersection of two (2) state or federal highways.

11.2.1.6 Height: Signs shall not exceed thirty-five (35) feet in height.

11.2.1.7 Construction and Maintenance - All ground or post signs over 100 square feet in size shall be of single pole, steel construction.

11.3 EXEMPT SIGNS - The following types of signs are exempted from all the provisions of this Article and shall be allowed in addition to all other signs allowed by this article. Any signs which exceed the provisions of this section shall comply to the other sections of this Article.

a. Public Signs: Signs erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, and traffic signs.

b. Historical Markers: Historical markers as recognized by Local, State, or Federal authorities.

c. Name plates mounted on buildings or mail boxes not exceeding one (1) square foot in size.

d. Traffic directional signs not exceeding four (4) square feet in size and located at least one (1) foot from the right-of-way.

e. Signs in or on windows not exceeding twenty (20) percent of the window area.

f. Advertising sale or lease of real estate - the sign area of one face shall not exceed twelve (12) square feet in the "A" Agricultural District. In no case shall the total sign area of all signs on total project exceed twenty-five (25) square feet. In all other districts the sign area of one face shall not exceed eight (8) square feet. In no case shall the total sign area of all signs on the property exceed sixteen (16) square feet. Sign shall be located at least one (1) foot from the right-of-way.

g. Political signs not exceeding four (4) square feet in size.

h. One portable sign per commercial establishment not exceeding eight (8) square feet and located at least one (1) foot from the right-of-way.

I. Signs for Home Occupations as allowed in Article V, Section 1-a(10) (c).4.

11.4 ILLUMINATION - Illuminated signs shall adhere to the following provisions and restrictions in addition to those requirements stated in this Article.

a. Signs shall not have blinking, flashing or other illuminating devices which change light intensity, brightness or color. Beacon lights are not permitted. Automatic changing signs displaying time, temperature, date or electronically controlled message centers are permitted.

b. The light for or from any illuminated sign shall be so shaded, shielded or directed that the light intensity will not be objectionable to surrounding areas.

c. No colored lights shall be use on any sign at-any location in any manner so as to be confused with or construed as traffic control devices.

d. Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

11.5 PROHIBITED SIGNS - The following types of signs are prohibited under this Article.

1. Portable signs are prohibited except as provided for in Paragraph 3.

2. Signs or devices which by color, location, or design resemble or conflict with traffic control signs or devices are prohibited.

3. Signs attached to, suspended from or painted on any vehicle which is regularly parked on any street or private property to display demonstrate, advertise or attract the attention

of the public.

4. Signs which contain pulsating lights or strobe lights.

11.6 INSPECTION, REMOVAL AND SAFETY

1. All signs may be inspected periodically by the Building Official for compliance with this Article.
2. All signs and components there of shall be kept in good repair and in safe, neat, clean, and attractive condition.
3. The Building Official shall give written notice for the removal of any permanent sign erected or maintained in violation of this Article. Upon failure to comply with this notice, the Building Official shall take legal action to enforce compliance with this ordinance. The Building Official may remove a sign immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removal shall be at the expense of the property owner.

11.7 PERMITS - All permanent signs permitted under this Article except those signs exempt in Section 3 of this Article shall require a permit which shall be obtained prior to erection of the sign.

11.8 NONCONFORMING SIGNS - In instances where a sign is nonconforming to any of the requirements of this ordinance, such sign and any supporting structure other than a building may be allowed although such sign does not conform to the provisions hereof. No such nonconforming sign may be enlarged or altered in any way which increases its nonconformity. No sign which has been damaged 50 percent or more of its fair market value, shall be restored except in conformity with the regulations of this ordinance.

11.9 ENFORCEMENT - The Town of Ashland Building Official is directed to enforce all of the provisions of this Article. Any person aggrieved by any interpretation or order of the Building Official may appeal to the Planning Commission. The Building Official shall take no further action on the matter pending the Planning Commission's decision, except for unsafe signs which present an immediate and serious danger to the public.

SECTION 12 ADMINISTRATION AND ENFORCEMENT

12.1 Administrative Official

- 12.1.1 An Administrative Official designated by the Governing Body shall administer and enforce this Ordinance. The Administrative Official may be provided with the assistance of such other persons as the Governing Body may direct.**
- 12.1.2 If the Administrative Official shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The official shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.**

12.2 Building Permits Required

- 12.2.1 No building shall be constructed, enlarged, reconstructed, or materially altered without first obtaining a building permit, and no building permit shall be issued unless within strict conformance with the provisions of this Ordinance.**
- 12.2.2 All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Administrative Official.**
- 12.2.3 One copy of the plans shall be returned to the applicant by the Administrative Official, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the Administrative Official.**
- 12.2.4 If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire and be canceled by the Administrative Official, and written notice thereof shall be given to the persons affected, together with notice that work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.**
- 12.2.5 Building permits issued on the basis of plans and applications approved by the Administrative Official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and any other use, arrangement, or construction at variance with that authorized shall be deemed violation of this Ordinance.**
- 12.2.6 Certificate of Occupancy: No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed uses thereof are found to be in conformity with the provisions of this ordinance. Within three days after notification that a building or premises, or part thereof, is ready for occupancy for use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance; or if such certificate refused, to state refusal in writing with the cause.**
- 12.2.7 Records: A complete record of such applications, sketches, and plans shall be maintained in the office of the Building Inspector.**

12.3 Appointment of Planning Commission

- 12.3.1 A Planning Commission is hereby established, which shall consist of at least five (5) members to be**

appointed by the Governing Body. Terms of office of the members of the Planning Commission shall be concurrent with the term of office of the Mayor.

12.3.2 The Planning Commission shall adopt rules necessary, to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held by the call of the Chairman and such other times as the Board may determine. The Chairman, or in his absence the Vice-Chairman, may administer oaths and compel the attendance of witnesses.

12.3.3 The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its determinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Planning Commission.

12.4 Hearings, Appeals, Notice

12.4.1 Appeals to the Planning Commission concerning interpretation or administration of this Ordinance may be taken by any persons aggrieved or by any officer or bureau of the Governing Body of the Town affected by any decision of the Administrative Official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the Planning Commission and specifying the grounds thereof. The Administrative Official shall forthwith transmit to the Planning Commission all papers constituting the record upon which the action appealed from was taken.

12.4.2 The Planning Commission shall fix a reasonable time for the hearing of appeal, give due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

12.5 Powers and Duties of the Planning Commission

12.5.1 Appeals

The Planning Commission shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by the administrative official in the enforcement of this Ordinance.

12.5.2 Uses Permitted on Appeal

The Planning Commission shall hear and decide only such uses permitted on appeal as the Planning Commission is specifically authorized to pass on by the terms of this Ordinance; shall decide such questions as involved in determining whether uses permitted on appeal with such conditions and safeguards as are appropriate under this Ordinance, or shall deny uses permitted on appeals when not in harmony with the purpose and intent of this Ordinance.

12.5.2.1 A written application for a use permitted on appeal indicating the section of this ordinance under which the uses permitted on appeal is sought and stating the grounds on which it is requested shall be submitted to the Planning Commission at least fifteen days in advance of the hearing at which the application is to be considered.

12.5.2.2 Every action authorized hereunder shall not be personal to the applicant thereof but shall run with the land so long as the conditions under which the exception was granted continue.

12.5.2.3 In granting any uses permitted on appeal the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the uses permitted on appeal is granted, shall be deemed a violation of this Ordinance. The Planning Commission shall prescribe a time limit within which the action for which the uses permitted on appeal is required shall be begun or completed or both. Failure to begin or complete, or both, such action within the time limit set shall void the uses permitted on appeal.

12.5.3 Variances

The Planning Commission shall have the power 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 would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Planning Commission unless and until they find that all the following facts and conditions exist:

- 12.5.3.1** That special conditions and circumstances exist which are peculiar to the land, structure, or building involved.
- 12.5.3.2** That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Ordinance;
- 12.5.3.3** That the special conditions and circumstances do not result from the actions of the applicant;
- 12.5.3.4** That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

- 12.5.4** In granting any variance, the Planning Commission may prescribe appropriate, conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance,
- 12.5.5** Under no circumstances shall the Planning Commission grant a variance to allow a use not permissible under the terms of this Ordinance in the zoning district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said zoning district nor shall any lot be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained.

12.6 Decisions of the Planning Commission

- 12.6.1** In exercising their powers, the Planning Commission may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the Administrative Official from whom the appeal is taken.
- 12.6.2** It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Administrative Official, and that such questions shall be presented to the Planning Commission only on appeal from the decision of the Administrative Official, and that recourse from the decisions of the Planning Commission shall be to the courts as provided by law.

12.7 Complaints Regarding Violations

- 12.7.1** Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Administrative Official. The Administrative Official shall record properly such complaint, promptly investigate, and take action thereon as provided by this Ordinance.

12.8 Penalties for Violation

- 12.8.1** Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 each day such violation

continues shall be considered a separate offense.

12.8.2 Nothing herein contained shall prevent the Town from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 13 AMENDMENTS

13.1 Amendment Procedure

- 13.1.1 The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed, provided however that no such action may be taken until after a public hearing; in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard; in accordance with the procedure set forth in this section.
- 13.1.2 An amendment to this Ordinance may be initiated by the Planning Commission or Governing Body on its own motion, or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application therefor with the Town.
- 13.1.3 Any proposed amendments, supplements, change, modification, or repeal shall be first submitted to the Planning Commission for its recommendations and report and the Planning Commission shall hold a public hearing thereon.
- 13.1.4 The Planning Commission shall make its recommendation on such request for any amendment, supplement, change, modification, or repeal to the Governing Authority, and the Governing Authority shall proceed to hold a public hearing in relation thereto after giving 15 days notice of the hearing in an official newspaper specifying the time and place for said hearing.
- 13.1.5 The Governing Authority may refer the application back to the Planning Commission for additional study before final decision; however no notice other than for the first public hearing need be given.

13.2 Public Hearing Required

- 13.2.1 No Amendment to this Ordinance shall Become effective until after a public hearing in relation thereto at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time, place and purpose of such hearing shall be published at least once in an official newspaper or a paper of general circulation in the community at least fifteen (15) days prior to the hearing. If no local newspaper exists, notice shall be posted in at least three (3) public places within the Town. Said notice shall read as follows:

NOTICE

Pursuant to the order of the [Governing Body] of [Town], Mississippi, notice is hereby given to all persons interested or in any way affected thereby that (Name of Applicant) has filed an application with the undersigned to rezone the following described property from * to* ;

(Description of property).

Said application will be heard by the [Governing Body] of [Town], Mississippi, at the Town Hall in Town), at (time), (date), at which time all parties interested in or affected thereby will be heard, after which a decision will be rendered by the Governing Body. Any objection thereto may be made by any person owning property within 160 feet of said area exclusive of streets, and if made in writing must be filed with the undersigned before said time if a hearing thereon or consideration thereof is desired, or any party interested may appear in person or by counsel on said date.

This the day of 19 .

Administrative Official

13.3 Posting

Any area for which an individual application for a change in zoning classification is being considered shall be posted for at least fifteen (15) days prior to the hearing, and the costs of such posting shall be borne by the applicant. Such posting shall be by means of a sign or signs erected in conspicuous locations on the property. The sign shall read, in letters legible from the nearest street, as follows:

PUBLIC NOTICE:

This property is being considered for REZONING*. For additional information call (Telephone Number).

***Zoning classification to be indicated by the word residential, commercial, industrial, or other, followed by the alphabetical and numerical definition. Description of the property may be in the form of a map containing sufficient data to accurately locate the property.**

13.4 Effect of Protest to Amendment

When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of 20 per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending one hundred sixty (160) feet therefrom, or of those directly opposite thereto, extending one hundred sixty (160) feet from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of two-thirds of all the members of the Governing Body.

13.5 Applications for Amendments

13.5.1 Any person, firm, corporation or political subdivision may apply for an amendment to this Ordinance.

13.5.2 All applications for amendments to this Ordinance shall be filed with the Governing Body.

13.5.3 Without in any way limiting the right to file additional material, no application for amendment to this Ordinance will be considered unless it contains:

13.5.3.1 The applicant's name, address and interest in the application, and the name, address and interest of every person, firm, corporation or political subdivision represented by the applicant interested in the application.

13.5.3.2 The description of the proposed amendment.

13.5.3.3 A plat showing the land area which would be affected by the proposed amendment, the present zoning classification of the area and of all abutting properties, all public and private rights-of-way and easements bounding and intersecting the designated area and, abutting properties.

13.5.3.4 An applicant for amendment of the Zoning District Map shall have the responsibility to demonstrate the appropriateness of the change shall include the following:

13.5.3.4.1 How the proposed amendment would conform to the Comprehensive Plan.

13.5.3.4.2 Why the existing zone district classification of the property in question is inappropriate or improper.

13.5.3.4.3 What major economic, physical, or social changes, if any, have occurred in the vicinity of the property in question that were not anticipated by the Comprehensive Plan and have

substantially altered the basic character of the area, which make the proposed amendment to the Zoning District Map reasonably necessary to the promotion of the public health, safety or general welfare.;

13.5.3.4.3.1 List such changes

13.5.3.4.3.2 Describe how said changes were not anticipated by the Comprehensive Plan

13.5.3.4.3.3 Describe how said changes altered the basic character of the area

13.5.3.4.3.4 Describe how said changes make the proposed amendment to the Zoning District Map appropriate.

SECTION 14 MISCELLANEOUS

14.1 Interpretation

In interpreting and applying this Ordinance, its provisions shall be held to be the minimum requirements necessary for the promotion of public safety, health, convenience, comfort, and general welfare. It is not intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this Ordinance. When two specific provisions of this Ordinance conflict, or a provision of this Ordinance conflicts with any other code, statute, law, ordinance or regulation, the more restrictive section shall apply.

14.2 Separability Clause

Should any section, clause, or provision of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be invalid.

14.3 Schedule of Fees, Charges, and Expenses

The Governing Body shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Administrative Official.

No permit, certificate, uses permitted on appeal, or variance shall be issued unless or until such Costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Planning Commission unless or until preliminary charges and fees have been paid in full,

14.4 Repealing Clause

In cases of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Ashland, the most restrictive shall in all cases apply.

14.5 Effective Date

This ordinance shall take effect and be in force fifteen (15) days from and after its adoption and publication, the public welfare demanding it.

Attachment: Zoning Map