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**Land • Farms • Lake Property**

**Chad Camp  
205-478-4974**



**106+/- ACRES**

**Ashville, AL ~ GPS 33.808996, -86.259510**

*Enjoy a convenient 106 Acre Tract just moments to Birmingham, Alabama. Anyone looking for a completely level multi-use property will find Wild Rose an opportunity in a scarce market place. There are opportunities to create a homestead, recreational hunting camp or maybe just a place to escape away from town. The surrounding area soil has produce nearby private lakes and this tract could have that possibility too. There are large beaver ponds create along the creek. There is approximately 1,900 ft along North Fork Dry Creek. Plenty of deer signs in the area. Turkeys are in the area too. Lots of opportunity plant more green fields and trails for riding horses and ATV's. Width East to West is Approximately 2,500 ft. Widest North to South is Approximately 1,900 ft. Seller(s) had plans to create a farm with pasture fields and build a house. Seller has started a driveway, shop pad and house pad. Only reason selling is they found another property closer to family. Just maybe, this will be the place your create your dreams too.*

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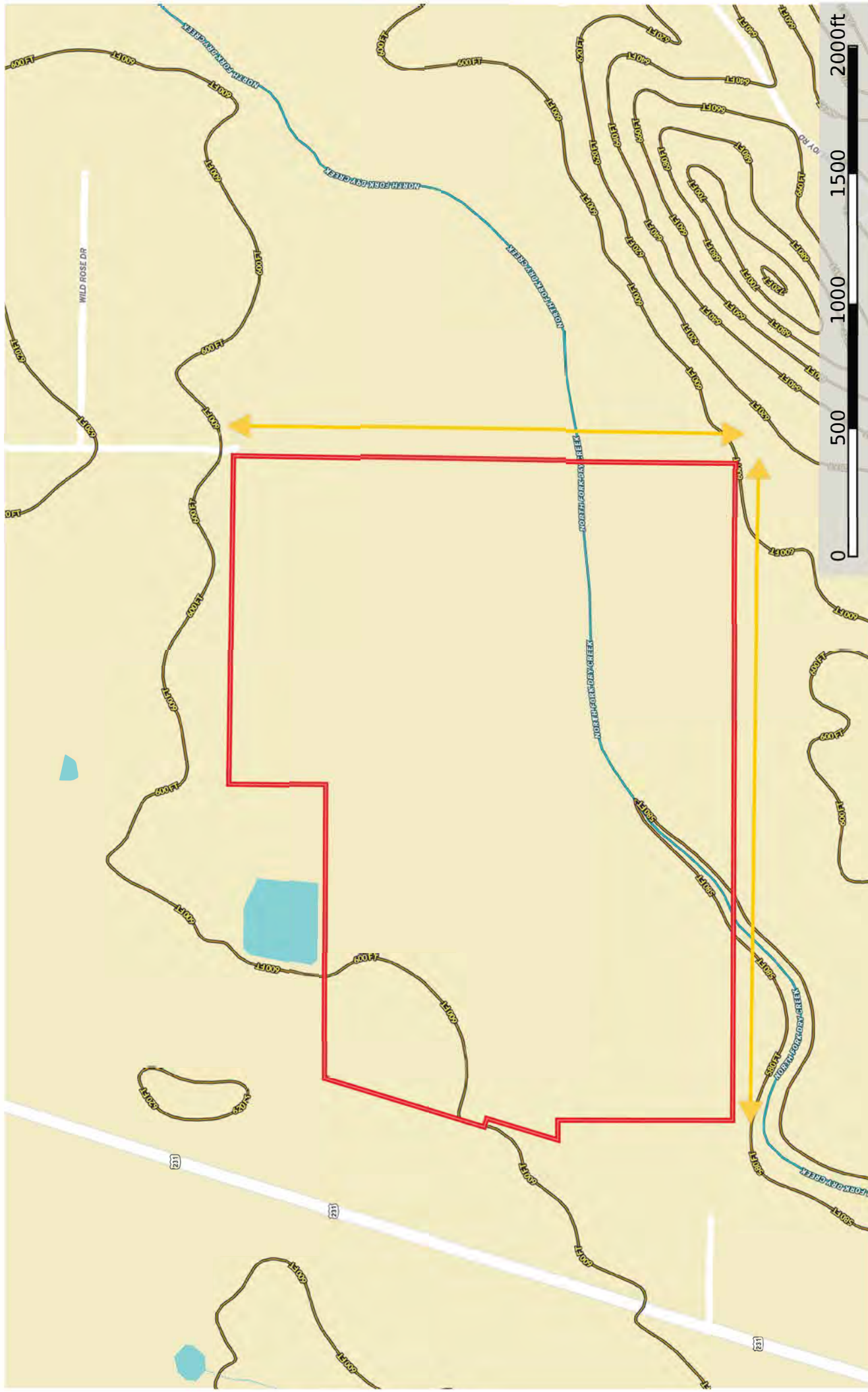
*Directions: From Birmingham, AL - Go -59 to Ashville Exit 166. South on Highway 231 to Ashville High School. Left on County Road 26. Right on Wild Rose Trail. Property at End on the Right.*











**ORDINANCE NO. 2017-007**

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

**WHEREAS**, on the 21<sup>st</sup> day of August, 2017, a public hearing was held by the City Council of the City of Ashville, Alabama, to consider an amendment to following portions of *Zoning Ordinance of the City of Ashville, Alabama* (the "Zoning Ordinance"): Article VIII, Section 80.00 "Single Family Residential Estate District (R-E)" within the Residential Districts of the Zoning Ordinance; Article VIII, Section 81.00 "Single Family Residential District (R-1)" within the Residential Districts of the Zoning Ordinance; Article VIII, Section 82.00 "Single Family Residential and Mobile Home District (R1-MH)" within the Residential Districts of the Zoning Ordinance; and

**WHEREAS**, the purpose of the amendment is to provide regulations related to the structures allowed in the applicable districts within the City of Ashville (the "City"); and

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

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

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

**Section 1:** That the Article VIII, Section 80.00 "Single Family Residential Estate District (R-E)" within the Residential Districts of the Zoning Ordinance be and is hereby amended to state as follows:

**Section 80.00 SINGLE FAMILY RESIDENTIAL ESTATE DISTRICT (R-E)**

**§ 80.01. R-E District Intent.**

This district consists of areas suitable for single family residences on estate-size lots. The R-E District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

**§ 80.02. R-E District Use Regulations.**

Accessory and combined uses and structures may be permitted subject to "Section 42.00: Use of Structures", and similar uses to those listed below may also be permitted subject to "Section 52.00: Interpretation of Uses". All uses listed in this district are defined by "Section 23: Definitions".

A. Permitted Uses. The following uses shall be permitted subject to a appropriate permits being issued in accordance with this Ordinance:

1. Agricultural Uses.
  - Farm.
2. Residential Uses.
  - Single family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Park.
  - Public Utility Service.
4. Commercial Uses.
  - Day Care Home.
  - Home Occupation, subject to § 56.08.
5. Industrial Uses.
  - None.

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

1. Agricultural Uses.
  - Hobby Farm, subject to § 56.07.
  - Kennel, subject to § 56.09.
  - Stable.
2. Residential Uses.
  - Accessory Dwelling, subject to § 56.01.
  - Family Care Home, subject to § 56.05.
3. Institutional Uses.
  - Cemetery, subject to § 56.03.
  - Community Center.
  - Place of Worship.
  - Public Facility.
  - Public Utility Facility.
  - School.
4. Commercial Uses.
  - Country Club.
  - Tourist Home/ Bed & Breakfast Inn.



- 5. Industrial Uses.  
None.

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

**§ Section 80.03. R-E District Dimensional Regulations.**

Except as provided in “Section 56.00: Supplemental District Regulations”, the following dimensional standards shall be required:

- |  |               |
|--|---------------|
| ▪ Minimum Lot Area                               | 1 acre        |
| ▪ Minimum Lot Width:                             | 150 feet      |
| ▪ Minimum Front Yard:                            | 60 feet       |
| ▪ Minimum Side Yard:                             | 20 feet       |
| ▪ Minimum Rear Yard:                             | 35 feet       |
| ▪ Maximum Building Height:                       | 35 feet       |
| ▪ Minimum square footage of finished living area | 1,400 sq. ft. |

**Section 2:** That the Article VIII, Section 81.00 “Single Family Residential District (R-1)” within the Residential Districts of the Zoning Ordinance be and is hereby amended to state as follows:

**Section 81.00. SINGLE FAMILY RESIDENTIAL DISTRICT (R-1).**

**§ 81.01. R-1 District Intent.**

This district consists of areas suitable for single family residences. The R- 1 District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

**§ 81.02. R-1 District Use Regulations.**

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted uses. The following uses shall be permitted subject permits being issued in accordance with this Ordinance:
  - 1. Agricultural Uses.  
None.

2. Residential Uses.
  - Single Family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Park.
  - Public Utility Service.
4. Commercial Uses.
  - Day Care Home.
  - Home Occupation, subject to § 56.08.
5. Industrial Uses.

None.

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

1. Agricultural Uses.

None.
2. Residential Uses.
  - Family Care Home, subject to § 56.05.
3. Institutional Uses.
  - Cemetery, subject to § 56.03
  - Community Center.
  - Place of Worship.
  - Public Facility.
  - Public Utility Facility.
  - School.
4. Commercial Uses.
  - Country Club.
  - Tourist Home/Bed & Breakfast Inn.
5. Industrial Uses.

None.

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

### § 81.03. R-1 District Dimensional Regulations.

Except as provided in Section 56.00: “Supplemental District Regulations”, the following dimensional standards shall be required:

	With Public Sewer	Without Public Sewer
▪ Minimum Lot Area:	8,000 square feet	20,000 square feet
▪ Minimum Lot Width:	65 feet	100 feet
▪ Minimum Front Yard:	30 feet	40 feet
▪ Minimum Side Yard:	10 feet	15 feet
▪ Minimum Rear Yard:	20 feet	25 feet
▪ Maximum Building Height:	35 feet	35 feet

- Minimum square footage of finished living space on the first floor: 1,000 sq. ft.

**Section 3:** That the Article VIII, Section 82.00 “Single Family Residential and Mobile Home District (R-1 MH)” within the Residential Districts of the Zoning Ordinance be and is hereby amended to state as follows:

### **Section 82.00. SINGLE FAMILY RESIDENTIAL AND MOBILE HOME DISTRICT (R-1 MH).**

#### **§ 82.01. R-1 MH District Intent.**

This district consists of areas suitable for a mix of single family residences and mobile homes. The underlying intent of this district is to encourage affordable homeownership alternatives in select locations within the City. The R-1 MH District allows for certain accessory uses customarily associated with single family dwellings. Further, the district provides for institutional uses that are integrally related to residential neighborhoods.

#### **§ 82.02. R-1 MH District Use Regulations.**

Accessory and combined uses and structures may be permitted subject to “Section 42.00: Use of Structures”, and similar uses to those listed below may also be permitted subject to “Section 52.00: Interpretation of Uses”. All uses listed in this district are defined by “Section 23: Definitions”.

- A. Permitted uses. The following uses shall be permitted subject to appropriate permits being issued in accordance with this Ordinance:

1. Agricultural Uses.  
None.



2. Residential Uses.
  - Mobile Home, subject to § 56.12.
  - Single Family Dwelling.
3. Institutional Uses.
  - Home Instruction.
  - Park.
  - Public Utility Service.
4. Commercial Uses.
  - Day Care Home.
  - Home Occupation, subject to § 56.08.
5. Industrial Uses.
  - None.

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

1. Agricultural Uses.
  - None.
2. Residential Uses.
  - Family Care Home, subject to § 56.05.
3. Institutional Uses.
  - Cemetery, subject to § 56.03.
  - Community Center.
  - Place of Worship.
  - Public Facility.
  - Public Utility Facility.
  - School.
4. Commercial Uses.
  - Country Club.
5. Industrial Uses.
  - None.

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

**§ 82.03. R-1MH District dimensional regulations.**

Except as provided in "Section 56.00: Supplemental District Regulations", the following dimensional standards shall be required:

	With Public Sewer	Without Public Sewer
▪ Minimum Lot Area:	8,000 square feet	20,000 square feet
▪ Minimum Lot Width:	65 feet	100 feet
▪ Minimum Front Yard:	30 feet	40 feet
▪ Minimum Side Yard:	10 feet	15 feet
▪ Minimum Rear Yard:	20 feet	25 feet
▪ Maximum Building Height:	35 feet	35 feet

- Minimum square footage of finished living space on the first floor: 1,000 sq. ft.

**Section 4:** If any provision in this Ordinance shall be or be declared to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

**Section 5:** That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 6:** That this ordinance shall become effective as provided by law after passage, approval and publication.

ORDAINED, ADOPTED and APPROVED this the 21 day of August, 2017.

CITY OF ASHVILLE, ALABAMA

  
Derrick Mostella, Mayor

ATTEST:

  
Chrystal St. John, City Clerk



**CITY OF ASHVILLE, ALABAMA**  
**ORDINANCE NO. M 2004- 004**

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**AN ORDINANCE TO GOVERN THE DISCHARGE OF FIREARMS**

WHEREAS, the Mayor and City Council of the City of Ashville have been requested to adopt an ordinance prohibiting or regulating the discharge of firearms within the City in certain instances; and

WHEREAS, the Mayor and City Council are of the opinion that it is necessary for the protection of the health and welfare of the citizens of the City to adopt an ordinance regulating the discharge of firearms within the corporate limits of the City.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and City Council of the City of Ashville Alabama (the "City") as follows:

**Section 1: Definitions**

As used herein, the following terms and phrases shall have the following meanings:

"Firearm" means any instrument from which shot, shell, bullets or other projectile is discharged by gunpowder and shall include, without limitation, shotguns, rifles, handguns (as applicable). (See Section 7 below for application of Code of Alabama, 1975, 11-45-1.1 regarding handguns.)

**Section 2: Adoption of State Code Offenses**

It shall be unlawful for any person to violate within the corporate limits of the City any law of the state, now or herein enacted, pertaining to the possession, ownership, use or discharge of a firearm including any pistol related offenses. Any person in violation of same shall be punished as provided in Section 5 of this Ordinance.

**Section 3: Discharge of Firearms**

(A) It shall be unlawful for any person to discharge a firearm within the corporate limits of the City on any parcel of property containing less than two (2) contiguous acres or within two hundred (200) feet of any roadway, school, park, church, business or dwelling (other than the dwelling of the person discharging the firearm and his/her guest(s)) except as follows:

(1) in self-defense or in the defense of another person as provided for in Code of Alabama, §13A-3-23 (1975)

(2) for protection of livestock from predators; and

(3) when the discharge can be accomplished in a safe and responsible manner so as to not be a threat to the safety of others or the use of

surrounding property; provided, however, that any discharge must be conducted in such a manner that any projectile discharged from a firearm will not go onto the property of another person.

(B) Notwithstanding anything to the contrary herein, it shall be unlawful to discharge a firearm within two hundred (200) feet of any roadway, school, park, church, business or dwelling (other than the dwelling of the person discharging the firearm and his/her guest(s)).

(C) Notwithstanding anything to the contrary herein, no person shall hunt any wild game with a firearm or shoot for sport (skeets, sporting clays, targets) within two hundred (200) feet of any roadway, school, park, church, business or dwelling (other than the dwelling of the person discharging the firearm and his/her guest(s)).

(D) This ordinance is not intended to take away any hunting or shooting for sport so long as the discharge can be accomplished in a safe and responsible manner so as to not be a threat to the safety of others or the use surrounding property and as otherwise provided herein.

#### **Section 4: Violation – A Misdemeanor**

Any person who shall be convicted of a violation any of the provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than six (6) months or by both fine and imprisonment. Each day that any violation is committed shall constitute a separate offense and shall be punishable as a separate offense.

**Section 5:** That all ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

**Section 6:** That this ordinance shall become effective upon passage, approval and publication as required by law.

**Section 7:** That pursuant to Code of Alabama, 1975, 11-45-1.1 this ordinance is not to tax, restrict, prevent or in any way affect the possession or ownership of handguns by the citizens of the state.

**Section 8:** The provisions of this Ordinance are severable. If any part of this resolution is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

This resolution shall become valid immediately upon passage, and publication as required by law.



Robert L. McKay  
Robert L. McKay, Mayor

ATTEST:

Bertha Wilson  
Bertha Wilson, City Clerk

ADOPTED AND APPROVED THIS THE 6 th day of December, 2004.

I, Bertha Wilson, City Clerk of the City of Ashville, Alabama hereby certify that the above is a true and correct copy of an Ordinance duly adopted by the City of Ashville, Alabama at its regular meeting on Monday, the 6 th day of December, 2004, and the same appears of record in the minute book of said date of said City. Given under by hand and corporate seal of the City of Ashville this 6 th day of December, 2004.

Bertha Wilson  
City Clerk

Posted: 12-06-04

Taken Down: 12-15-04

I, Bertha Wilson, City Clerk hereby certify this Ordinance was posted by me at the Ashville Rexall Drugs, Ashville Library and Ashville City Hall in said City and State.

Bertha Wilson  
Bertha Wilson  
City Clerk