

## **Ordinance 2007-05**

**AN ORDINANCE** to amend The Code of the Town of Ashland, Chapter 21 Zoning, Art. XVI, "Planned Developments," Div. 4, "Planned Shopping Center District PSC," Sec. 21-173, "Use Regulations," to add dwellings located above a commercial, retail or office use and townhouses as permitted uses. 2007-05 also adds Sec. 21-179, "Townhouse Development Standards," to provide development standards such as density, setbacks, frontage and width regulations, and separation.

**WHEREAS**, the Town Council has held a public hearing on the 20th day of March 2007, advertised as required by Virginia Code Section 15.2 – 2204.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Town of Ashland, Virginia that Section 21-173, "Use regulations" shall be amended to read in part, as follows:

### **ARTICLE XVI. PLANNED DEVELOPMENTS, DIVISION 4. PLANNED SHOPPING CENTER DISTRICT PSC.**

#### **Sec. 21-173. Use regulations.**

Structures to be erected or land to be used shall be for the following uses permitted with a shopping center of two hundred thousand (200,000) square feet or less. Shopping centers of greater than two hundred thousand (200,000) square feet require a conditional use permit.

- (s) Dwellings located above, and accessory to, a commercial, retail, or office use, where such commercial, retail, or office use is the primary use of the building.
- (t) Townhouses, with a Conditional Use Permit, and only in areas designated for Mixed Use by the Comprehensive Plan, so long as the total area of a townhouse development does not exceed fifty (50) percent of the total area of a Planned Shopping Center development.

**BE IT FURTHER ORDAINED BY** the Town Council that Section 21-179, Reserved be amended to read:

### **ARTICLE XVI. PLANNED DEVELOPMENTS, DIVISION 4. PLANNED SHOPPING CENTER DISTRICT PSC.**

#### **21-179. Standards of development for Townhouses within the PSC District.**

- (a) *Density.* The density of townhouse developments shall not be more than seven (7) dwelling units per acre. The gross acreage for the purpose of calculating density herein shall not include any areas devoted to retail, commercial or office uses, nor parking associated with those uses. The gross acreage may include open space as set forth in this section.
- (b) *Setback Regulations.* The minimum setback for all buildings shall be twenty-five (25) feet from all public rights-of-way. The minimum setback for townhouses shall be ten (10) feet from driveways, private streets and parking areas within the development. Accessory structures shall not be subject to any setback from driveways, private streets or parking areas.
- (c) *Lot Frontage Not Required for Individual Units.* Notwithstanding

any other provision of this chapter, individual townhouse lots need not front onto a public street, provided that provisions are made to provide for maintenance of private streets throughout the development; however townhouse developments in the PSC district must have direct access to a public street.

(d) *Open Space.* Open space shall comprise at least thirty (30) percent of the total area of each townhouse development. Open space shall be construed to be any land area contained in individual lots or in common areas, where such land area is not covered by buildings, structures, or area devoted to vehicle parking, driveways or circulation. Areas credited as open space must be compact and contiguous to townhouses. Peculiar elongations solely for the purpose of meeting the area requirement for open space shall not be permitted.

(e) All other regulations in the PSC district shall apply to townhouse uses.

**BE IT FURTHER ORDAINED** by the Town Council that the amendments to Chapter 21, Zoning, Article XVI. Planned Developments, Division 4, Planned Shopping Center District PSC, Section 21-173 and Section 21-179 of the Code of the Town of Ashland shall be effective as of March 20, 2007.

Introduced: January 16, 2007

Advertised:

Planning Commission: Herald Progress: January 25, 2007 and  
February 1, 2007

Town Council: Herald Progress: March 1, 2007 and March 8, 2007

Public Hearing:

Planning Commission: February 14, 2007  
Town Council: March 20, 2007

Adopted: March 20, 2007

Effective: March 20, 2007