

ORDINANCE NO. 2024-11

AN ORDINANCE TO AMEND THE TOWN'S SUBDIVISION AND ZONING ORDINANCES

WHEREAS, the purpose of this ordinance is to update the Town Code pursuant to the authority under Virginia Code Section 15.2-2253; and

WHEREAS, the Town of Ashland, Virginia desires to permit cottage court style developments within, and

WHEREAS, the Town must amend ATC Chapters 17 (Subdivision) and 21 (Zoning) to permit cottage court style developments within, and

WHEREAS, the Ashland Town Council finds that the public necessity, convenience, general welfare, good zoning, and good land use practice support consideration of the amendment of the regulations of the Subdivision Ordinance; and

WHEREAS, the Ashland Planning Commission held a duly advertised public hearing on June 12, 2024 and voted in approval to recommend these changes, and

WHEREAS, the Ashland Town Council held a duly advertised public hearing on this matter at the regularly scheduled meeting on July 2, 2024; now

THEREFORE, BE IT ORDAINED by the Ashland Town Council at its regularly scheduled meeting on July 2, 2024, that the Ashland Town Code sections 17-3 "Definitions", 17-13 "Location", and 21-251 "Locations of Uses and Structures" be amended as detailed below:

Sec 17-3 Definitions

Subdivision. A division, subdivision, or resubdivision of a lot, tract, or parcel of land situated wholly or partly within the boundaries of the town into two (2) or more lots, tracts or parcels of land for the purpose, whether immediate or at some future time, of the transfer of ownership of any of these, or for the purpose of the erection of a building or other structure on any one of them; provided, however, that any structure to be erected on land shall front on a dedicated street and conform to the zoning applicable to such land, unless otherwise dictated within the code.

Sec 17-37 Location

Sec 17-37 Location - Each lot shall abut on an existing or proposed dedicated public street or on a street which has become public by right of use.

Town Council may grant an exception in limited circumstances to the requirement for lots to abut on a public street, per ATC Section 17-251, if the following have been met:

1. The granting of the exception will not be detrimental to the intentions of the Town's adopted Comprehensive Plan, public safety, health or welfare or injurious or detrimental to other property or future property owners in the development. ; and
2. The property is zoned either M-1, M-2 or RIn. If zoned RIn, the only exception to be granted is for the creation of cottage courts as defined in the Zoning Ordinance; and

3. The property is not adjacent to or includes a proposed roadway as shown in the adopted Town Transportation Plan, or proposed roadway in an adjacent site development plan; and
4. Access to site must connect to an existing public roadway and must be approved through a recorded Private Improvement Maintenance Declaration in a form approved by the Town Attorney and the Town Manager that ensures a mechanism for ongoing maintenance without the need for public services. The agreement shall provide that the access drive will be maintained in substantially the same condition as a when approved by the Town; and
5. In granting this exception, the Town Council may recommend any such conditions that will, in its judgment, secure substantially the objectives of the standards or requirements of this chapter. Recommended conditions include:
 1. All requirements for fire apparatus access will be met.
 2. Construction of access drive will meet engineering requirements with respect to matters of land clearing, erosion and sediment control, stormwater, wetlands, or other regulatory matters as determined by the Director of Public Works.
 3. Adequate easements shall be provided for all utilities as deemed necessary by the reviewing agency.
 4. Adequate signage to alert public and emergency response vehicles of access points.
 5. Minimum construction standards must be met, based on the *recommendation* of the Director of Public Works for width, construction specifications, sidewalks, curb and gutters. For RIn developments access drives shall be developed in a way that would allow for public services such as trash and brush pick-up.

~~6. Adequate easements shall be provided for all utilities as deemed necessary by reviewing agencies.~~

line amended by Council (removed as it was a duplicate of line 5.7). D/G 8/6/24

A petition for any exception shall be submitted in writing to the zoning administrator. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

Sec 21-251 Location Of Uses And Structures

After May 4, 1978, all structures and uses shall be established on lots so that the lot fronts on an existing street or on an improved right-of-way to the town's specifications.

Through ATC Section 17-37 Town Council may grant an exception for newly created lots for cottage courts zoned RIn and industrial parks zoned M-1 or M-2.

The Ashland Town Council on a motion of Councilmember Barnhart, seconded by Councilmember McGraw, the Ashland Town Council voted to approve **Ordinance 2024-11** as follows:

This Ordinance shall take effect upon adoption.

Vote:
Mayor Trivett

Vice Mayor Hodges
Councilmember McGraw
Councilmember Barnhart
Councilmember Sopall

Signed:  Date: 8/6/24
Steve Trivett, Mayor

A copy Teste: 
Douglas A. Goodman, Clerk of Council

Public Hearings:

Town Council: July 2, 2024; August 6, 2024

Adopted: 8/6/24