

Ordinance #98-28. An Ordinance to amend Article VII. Residential Medium District R-4 of the Code of the Town of Ashland, Virginia, to provide regulations that more clearly reflect a medium density residential zoning district.

WHEREAS the Planning Commission of the Town of Ashland has held an advertised public hearing and forwarded this matter to the Town Council with its recommendation; and

WHEREAS the Town Council has held a public hearing on the 24 day of November 1998, advertised as required by Virginia Code Section 15.2 – 2204; and

WHEREAS the Town Council has determined that the public necessity, general welfare, and good zoning practices require this amendment,

NOW THEREFORE BE IT ORDAINED by the Council of the Town of Ashland, Virginia that:

- 1) Article VII. Residential, Medium District R-4 of the Code of the Town of Ashland, Virginia, be amended to read as follows:

Sec. 21-56. Use regulations.

The following uses and structures shall be permitted in the Residential District R-4.

- (a) Single-family dwellings, detached.
- (b) Two-family dwellings.
- (c) Townhouses as defined in article I.
- (d) Accessory uses and structures as defined in article I.
- (e) Swimming pools, recreational and athletic facilities, community buildings, and other similar related improvements for the common use of occupants of the development and their guests.
- (f) Off-street parking in accordance with article XIX.
- (g) Signs in accordance with article XX.
- (h) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities shall be placed underground in accordance with article XXII, Underground Utility Services. The extension of water and sewer lines shall be underground and be

Sec. 21-59.1. Frontage and width regulations.

- (a) The minimum width of any lot at the setback shall be sixty (60) feet for single-family detached dwellings and seventy-five (75) feet for two-family dwellings. The minimum frontage of townhouse developments shall be two hundred (200) feet.
- (b) The minimum width of townhouse units shall be twenty-four (24) feet.

Sec. 21-60. Yard regulations.

- (a) *Side.* The minimum side yards for a main building shall be ten (10) feet, except in no case shall any row of townhouses be closer than thirty (30) feet from one another.
- (b) *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet, except that the minimum rear yard for townhouses shall be thirty (30) feet. The minimum street side yard for main and accessory structures shall be twenty-five (25) feet.
- (c) *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

Sec. 21-61. Height regulations.

Structures may be erected up to thirty-five (35) feet in height from grade, except:

- (a) Belfries, cupolas, monuments, water towers, flues, flagpoles are exempt. Television antennae and radio aerials may be erected above the building to a combined maximum height of sixty (60) feet; and
- (b) No accessory building which is within fifteen (15) feet of any structure or party lot line shall be more than one story in height, and in no case shall any accessory building be more in height than the main structure.

Sec. 21-62. Open space and common areas.

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, when such land area is not covered by buildings, structures or area devoted to vehicle parking, driveways or circulation.

Except in such developments regulated by the Virginia Condominium Act (chapter 4.2 of title 55, Code of Virginia), in the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by

approved by town council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.

- (i) Home occupations, major and minor.
- (j) Accessory apartments, in accordance with article XXV of this chapter, and with a conditional use permit to be reviewed every five (5) years to assure compliance with the original conditions.
- (k) Parks and playgrounds, with a conditional use permit.
- (l) Churches and other places of worship. Not-for-profit accessory uses such as day care centers, schools, bingo establishments and community centers, with a conditional use permit.

Sec. 21-57. Density.

The density of townhouse developments shall not be more than seven (7) dwelling units per acre.

Sec. 21-58. Area regulations.

The minimum lot area for permitted uses shall be as follows:

- (1) Single-family detached dwelling: Eight thousand (8,000) square feet.
- (2) Two-family dwelling: Ten thousand (10,000) square feet.
- (3) Townhouse developments shall be located on sites of not less than one (1) acre.

Sec. 21-59. Setback regulations.

- (a) Except as provided in paragraph (b) of this section, the minimum setback shall be thirty (30) feet.
- (b) The minimum setback for townhouses shall be thirty (30) feet, except the minimum setback shall be ten (10) feet from driveways, private streets and parking areas within the development.

Sec. 21-66. Site plan required.

Before a building permit shall be issued or construction commenced for any use other than single-family detached dwelling units, all requirements of article XVII shall be met.

Sec. 21-67. Recreation areas.

Recreation areas for common use by occupants of the development shall be provided in each townhouse development containing twenty (20) or more units at the rate of two hundred (200) square feet of developed recreation area per unit.

- 2) All sections of the **Code of the Town of Ashland, Virginia**, Ordinances, or parts of Ordinances inconsistent with and/or in conflict with this Ordinance are hereby repealed.
- 3) The provisions of this Ordinance shall be in force immediately upon adoption.
- 4) It is hereby declared to be the intention of the Town Council of Ashland, Virginia that the clauses, phrases, sentences paragraphs and sections of the Ordinance are severable, and, if any clause, phrase, sentence, paragraph, or section of this Ordinance hereby adopted shall be declared unconstitutional or otherwise invalid by a valid judgement of decree by a Court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining clauses, phrases, sentences, paragraphs and sections of this ordinance hereby adopted.

Introduced: October 21, 1998

Advertised:

Planning Commission: Herald Progress: November 2 and November 9, 1998
Hanover Plus: November 4, 1998

Town Council: Herald Progress: November 9 and 16, 1998
Hanover Plus: November 18, 1998

Public Hearing:

Planning Commission: November 18, 1998
Town Council: November 24, 1998

Adopted: November 24, 1998

Effective: November 24, 1998

and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners in the development. Said land shall be conveyed to and held by said nonprofit corporate owner solely for recreation, parking or other common purposes of the individual owners in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the Town Attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual lots or units, inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each lot or unit.

Sec. 21-63. Townhouse facades and number of units in a row.

Not more than six (6) townhouse units shall be connected in a continuous row.

Sec. 21-64. Utilities.

(a) Uses in this district may be constructed only on properties served by public sewer and water systems.

(b) All utility systems including power and telephone shall be installed underground.

Sec. 21-65. Landscaping plan required.

A landscaping plan in accordance with article XXIII shall be required for any use other than single-family detached dwelling units before a building permit shall be issued or any construction commenced.

Sec. 21-65.1. Screening.

Within townhouse developments, all vehicle parking areas, common driveways, common areas for service, maintenance and trash collection and the facades of garages containing doors for vehicle access shall be located or arranged on the site or shall be provided with screening so as not to be readily visible from adjoining property in a residential district. Adjoining property shall be construed to include property across an alley. Where screening is provided to satisfy this requirement, it shall consist of continuous structural fences, walls or evergreen vegetative material, or combinations thereof, not less than six (6) feet in height. Earth berms may be used in conjunction with fences, walls or vegetative material to provide the required screening height. No chain link, wire mesh, barbed wire or similar fence material shall be utilized for such screening purposes.

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