

Ordinance 2009-08

AN ORDINANCE to amend The Code of the Town of Ashland, Ch. 21 "Zoning," Article I, In General, Section 21-3, Definitions, and Sections 21-24, 21-32, 21-40, 21-48, 21-56, 21-69, 21-80, 21-112, and 21-146, to define and allow adult day care services.

WHEREAS, the Town Council has held a public hearing on the 15th day of September 2009, 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 21-3 Definitions, shall be amended read, in part, as follows:

Sec. 21-3 Definitions.

(c) Certain words and terms defined

Adult day care services: An establishment, licensed either by the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse as a Day Support Service, or by the Virginia Department of Social Services as an Adult Day Care Center for the purpose of providing care, protection, recreation, and therapeutic services for disabled or elderly adults. Adult day care services are not intended to include any services provided as part of a probationary program or a substance abuse program.

BE IT FURTHER ORDAINED BY the Town Council that the uses permitted in certain zoning districts, be amended to read, in part as follows:

Article III. Rural Residential District RR-1

Sec. 21-24. Use Regulations.

(u) Adult day care services, when accessory to a church or community center, with a conditional use permit.

Article IV. Residential, Restricted District R-1

Sec. 21-32. Use Regulations.

(n) Adult day care services, when accessory to a church or community center, with a conditional use permit.

Article V. Residential, Limited District R-2

Sec. 21-40. Use Regulations.

(n) Adult day care services, when accessory to a church or community center, with a conditional use permit.

Article VI. Residential, Medium District R-3

Sec. 21-48. Use Regulations.

(p) Adult day care services, when accessory to a church or community center, with a conditional use permit.

Article VII. Residential, Medium-High R-4

Sec. 21-56. Use Regulations.

(n) Adult day care services, when accessory to a church, with a conditional use permit.

Article VIII. Residential, Multifamily R-5

Sec. 21-69. Use Regulations.

(j) Nursing home, convalescent home, rest home, and assisted living facilities with a conditional use permit. Adult day care services shall be permitted as an accessory use to these uses.

Article IX. Residential, Office District RO-1

Sec. 21-80. Use Regulations

(k) Adult day care services, when accessory to a church, with a conditional use permit.

Article XII. Neighborhood Business District B-4

Sec. 21-112. Use Regulations.

(g) Convalescent center with a conditional use permit. Adult day care services shall be permitted as an accessory use to convalescent centers.

Article XVI. Planned Developments

Division 2. Planned Unit Development PUD.

Sec. 21-146. Use Regulations.

(f) Churches, and other places of worship. Not-for-profit accessory uses such as day care centers, schools, bingo establishments, community centers, and adult day care services, with a conditional use permit.

BE IT FURTHER ORDAINED by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced: June 16, 2009

Advertised:

Planning Commission:

Herald Progress: July 30, 2009 and August 6, 2009

Town Council:

Herald Progress: August 27, 2009 and Sept. 6, 2009

Public Hearing:

Planning Commission:

August 12, 2009

Town Council:

September 15, 2009

Adopted:

October 6, 2009

Effective:

October 6, 2009