

Ordinance 98-16.

AN ORDINANCE to amend Article III, Standards of Design of Chapter 17, Subdivision of Land of the **Code of the Town of Ashland, Virginia** and to amend Article XVII, Site Plan Requirements of Chapter 21. Zoning, of the **Code of the Town of Ashland, Virginia**, to revise the requirements for installation of sidewalk, curb, and gutter.

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 23 day of February 1999, 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) Section 17-49.2. Sidewalk, Curb and Gutter Requirements of Article III. Standards of Design, of Chapter 17, Subdivision of Land of the **Code of the Town of Ashland, Virginia**, is enacted as set forth below:

Section 17-49.2 Sidewalk, Curb and Gutter Requirements

Sidewalks and curb and gutter shall be required within all subdivisions that are not zoned low density residential (RR-1, R-1). An exception to the requirements for sidewalks, curb and gutters may be granted by the Planning Commission in accordance with Section 17-5 and the following standards:

1. The proposed street and/or sidewalk is not included on the Sidewalk Priority Area Map of the Comprehensive Plan.
2. The property abuts a street classified by the Virginia Department of Transportation as a local street, and is not included on the Sidewalk Priority Area Map of the Comprehensive Plan.
3. The Director of Public Works deems the requirement for sidewalk, curb and gutter is inappropriate based on clear engineering considerations.

Section 21-186(h). Sidewalk, Curb and Gutter Requirements of Article XVII. Site Plan Requirements, of Chapter 21, Zoning of the **Code of the Town of Ashland, Virginia**, is enacted as set forth below:

Section 21-186(h) Sidewalk, Curb and Gutter Requirements

1. Sidewalks shall be installed so that occupants and patrons may walk on the sidewalks from building to building or store to store within the site. Wherever possible, connection shall be made to walkways in adjacent developments, and public sidewalks.

2. Curb and gutter shall be installed around all medians that separate travel lanes and/or offstreet parking areas from existing streets, off-street parking and loading areas, to manage storm drainage, to channelize traffic, protect buildings and landscaping areas, and separate pedestrian and vehicular circulation areas.
 3. An exception to the requirement for sidewalks, curb and gutter may be granted by the Town Council based on clear engineering conditions and good zoning practice. No exception shall be granted until after notice and public hearing as required by State law.
- 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:	April 15, 1998
Advertised:	
Planning Commission:	August 3 and 10, 1998
Town Council:	February 8 and 15, 1999
Public Hearing:	
Planning Commission:	August 19, 1998
Town Council:	February 23, 1999
Adopted:	February 23, 1999
Effective:	February 23, 1999