

**Ordinance 98-23.** AN ORDINANCE to amend various sections of Chapter 21, Zoning, of the Code of the *Town of Ashland, Virginia*, to modify the Town's Zoning Ordinance for purposes of defining "street side yard"; adding to violations subject to civil penalties; reorganizing and removing provisions from Article II, Districts Generally; reorganizing Article XXV, Various Regulations, and redesignating it as Supplemental Regulations; creating or modifying supplemental regulations pertaining to yards and open spaces in general, yards along streets to be widened, exceptions to yard requirements, permitted projections into yards, yards and screening for swimming pools and tennis courts, visual obstructions at corners, and building height exceptions; applying residential lot area requirements to dwelling uses only; reorganizing and clarifying setback and side yard requirements in all districts; deleting specific corner lot width requirements in certain districts; revising buffer and screening requirements in B-1, B-2, B-4, M-1 and POB districts; and adding "offices" as a permitted use and clarifying prohibition of gasoline pumps in the B-4 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) The following sections of Chapter 21, Zoning, of the Code of the Town of Ashland be modified as set forth below and reenacted by the action of the Town Council:

**Sec. 21-3. Definitions.**

(In paragraph (c), the following is added.)

159.1) *Yard, street side; or side yard along a street.* A side yard that abuts a street.

**Sec. 21-7. Violations: penalties.**

(a) All departments, officials and public employees of the town which are vested with the duty or authority to issue permits or licenses shall comply with the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

(b) The zoning administrator is granted all necessary authority on behalf of the town council to administer and enforce this chapter, including ordering in writing the remedying of any condition found in violation of this chapter, insuring compliance with this chapter, bringing legal

action including injunction, abatement, or other appropriate action or proceeding, and in specific cases, making findings of fact and, with concurrence of the town attorney, conclusions of law regarding determination of rights accruing under the provisions of article XVIII of this chapter pertaining to nonconforming uses.

(c) Any person whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). Upon conviction, failure to remove or abate a violation within the time specified by the court shall constitute a separate offense punishable as prescribed by applicable state law.

(d) The town attorney shall, upon the request of the zoning administrator, assist in bringing legal action necessary to enforce the provisions of this chapter.

(e) Civil penalties.

(1) Any violation of the following provisions of this chapter shall be deemed an infraction and shall be punishable by civil penalty of one hundred dollars (\$100.00) for the initial summons, and one hundred fifty dollars (\$150.00) for each additional summons:

a. Article II, section 21-11. Certificates of use and occupancy.

b. Article II, section 21-13. Conditional use permits.

c. Article XI, section 21-101. In conjunction with permitted uses: prohibition of outside storage, in general or in required setback, and requirement that use be conducted within a completely enclosed building.

d. Article XX, section 21-214 (e). Portable signs.

e. Article XX, section 21-214 (f). Pennants, banners, etc.

(2) Each day during which any violation of the provisions enumerated in paragraph (1) above is found to have existed shall constitute a separate offense. However, in no event shall any such violation arising from the same set of operative fact be charged more frequently than once in any ten (10) day period, nor shall a series of such violations arising from the same set of operative facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00).

(3) The designation of a particular violation of this chapter as an infraction pursuant to paragraph (1) above shall be in lieu of criminal sanctions, and except for any violations resulting in injury to any person or persons, such designation shall preclude the prosecution of a violation as a criminal misdemeanor.

- (4) The zoning administrator shall issue a civil summons as provided herein. After having served a notice of violation on any person committing or permitting a violation of the provisions of this chapter enumerated in paragraph (1) above and, if such violation has not ceased within such reasonable time as is specified in such notice, then, after conferring with the town attorney, the zoning administrator shall cause two (2) copies of a summons to be sent to such person.

**Sections 21-15 through 21-22** are repealed in their entirety.

**Sec. 21-14. Official zoning map.**

The location and boundaries of the zoning districts established by this ordinance are as indicated on a map entitled, "Official Zoning Map, Ashland, Virginia," identified by the signature of the town manager, attested to by the clerk of council, together with the date of adoption. Said map shall be deemed a part of this ordinance as if it were fully set forth herein.

Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map, which shall be located in the office of the town manager, shall be the final authority as to the current zoning status of land, structures, and other uses in the town.

**Sec. 21-15. Recording amendments on the official zoning map.**

Whenever any amendment is made to the official zoning map by action of the town council, such change shall be incorporated onto said map at such time and in such manner as town council may prescribe. Said changes shall be validated with reference to correct notation by the town manager, who shall affix his signature thereto, thereby certifying that approved amendments to the official zoning map have been correctly incorporated. The date of official action and nature of the change shall be entered on the map. Any such change shall have the effect of law at 12:01 a.m. on the day following its legal adoption or on its effective date, if such effective date is officially established as other than the day following its legal adoption whether or not it has been shown on the official zoning map. Any delay in or failure to record an amendment on the official zoning map, or any error in depicting the zoning boundary or other aspect of the amendment on the official zoning map, shall not affect the validity of the ordinance providing for the amendment.

**Sections 21-16 -- 21-22. Reserved.**

**Sec. 21-25. Area regulations.**

The minimum lot area for single-family dwellings shall be two (2) acres.

**Sec. 21-26. Setback regulations.**

The minimum setback shall be fifty (50) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-28. Yard regulations.**

(a) *Side.* The minimum width of each side yard, including street side yards, shall be fifty (50) feet.

(b) *Rear.* There shall be a rear yard of not less than fifty (50) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-29. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-30.** Reserved.

**Sec. 21-33. Area regulations.**

The minimum lot area for single-family dwellings shall be fifteen thousand (15,000) square feet.

**Sec. 21-34. Setback regulations.**

The minimum setback shall be forty (40) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-36. Yard regulations.**

(a) *Side.* The minimum side yards for main buildings shall be fifteen (15) feet. The minimum street side yard for all buildings and structures shall be thirty (30) feet.

(b) *Rear.* The minimum rear yard for main buildings shall be thirty-five (35) feet.

(c) *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-37. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-38.** Reserved.

**Sec. 21-41. Area regulations.**

The minimum lot area for single-family dwellings shall be ten thousand (10,000) square feet.

**Sec. 21-42. Setback regulations.**

The minimum setback shall be thirty (30) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-44. Yard regulations.**

(a) *Side.* The minimum side yards for main buildings shall be fifteen (15) feet. The minimum street side yard for all buildings and structures shall be twenty-five (25) feet.

(b) *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet.

(c) *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-45. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-46. Reserved.**

**Sec. 21-49. Area regulations.**

The minimum lot area shall be eight thousand (8,000) square feet for single-family dwellings and ten thousand (10,000) square feet two-family dwellings.

**Sec. 21-50. Setback regulations.**

The minimum setback shall be thirty (30) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-52. Yard regulations.**

(a) *Side.* The minimum side yards for main buildings shall be fifteen (15) feet. The minimum street side yard for all buildings and structures shall be twenty-five (25) feet.

(b) *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet.

(c) *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-53. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-54. Reserved.**

**Sec. 21-59. Setback regulations.**

(a) Except as provided in paragraph (b) of this section, the minimum setback shall be thirty (30) feet. *(see article XXV for supplemental yard regulations)*

(b) The minimum setback for townhouse or multi-family structures shall be fifty (50) feet. Townhouse and multifamily structures shall be located at least thirty (30) feet from any interior streets within the complex. *(see article XXV for supplemental yard regulations)*

**Sec. 21-60. Yard regulations.**

(a) *Side.* The minimum side yards for main buildings shall be ten (10) feet, except in no case shall any two (2) buildings or any row of attached dwellings be closer than thirty (30) feet from one another. The minimum street side yard for all buildings and structures shall be twenty-five (25) feet.

(b) *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet, except that the minimum rear yard for any row of attached dwellings or any multifamily dwelling shall be thirty (30) feet.

(c) *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-61. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-70. Area and density regulations.**

The minimum lot area for townhouse developments, multifamily dwellings, nursing homes, convalescent homes, rest homes and assisted living facilities shall be two and one-half (2 1/2) acres, and the density shall not be more than twelve (12) dwelling units per gross acre, except as provided in section 21-74.

**Sec. 21-71. Setback regulations.**

The minimum setback shall be fifty (50) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-71.2. Yard regulations.**

(a) *Side.* The minimum side yards for main buildings shall be fifteen (15) feet, except in no case shall any two (2) buildings or any row of attached dwellings be closer than thirty (30) feet from one another. The minimum street side yard for all buildings and structures shall be twenty-five (25) feet.

(b) *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet, except that the minimum rear yard for any row of attached dwellings or any multi-family dwelling shall be thirty (30) feet.

(c) *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-73. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-81. Area, frontage, setback, yard and height regulations.**

For each single-family dwelling, the requirements of the R-2 Residential District shall apply. All other uses shall be governed by the requirements of the B-2, Highway Commercial District, provided that the minimum street side yard for all buildings and structures shall be twenty-five (25) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-82. Reserved.**

**Sec. 21-97. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-99.2. Buffer and screening adjacent to residential districts.**

(a) Where a lot in a Central Business District, B-1 is adjoining property in a residential district, a continuous buffer not less than fifteen (15) feet in depth shall be provided on the B-1 lot. For purposes of this provision, adjoining property shall include property across an alley from the side of a lot in a B-1 District. Where property in a residential district is situated across an alley from the rear of a lot in a B-1 District, screening as required by this section shall be provided along the rear of the B-1 lot, and no buffer shall be required. No building, structure, parking, driveway, loading or outside storage or service area shall be located within a required buffer. Buffers shall contain continuous visual screening not less than six (6) feet in height consisting of structural fences or walls or evergreen vegetative material, or combinations thereof. 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 at any location visible from any adjacent property zoned residential. Structural or planted screening may be deleted where the buffer is maintained in a natural state, or is supplemented with additional planting, and provides the required visual screening. Structural or planted screening shall not extend any closer to the street than the required front yard depth on the adjoining residential zoned property.

(b) A plan for the buffer shall be submitted as part of the landscape plan required by the provisions of article XXIII of this chapter, and shall include elevation drawings and specifications of materials to be used.

(c) The town council may, after receiving a recommendation from the Planning Commission and after giving public notice and holding a public hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, grant an exception to the buffer requirement in a specific case if the adjoining property is designated in the future land use plan for commercial, industrial or office-business use.

**Sec. 21-105. Yard regulations.**

(a) *Side.* The minimum width of each side yard for a main structure shall be thirty (30) feet, except that when a use is abutting a residential district, there shall be a side yard of not less than fifty (50) feet. The minimum street side yard for all buildings and structures shall be fifty (50) feet.

(b) *Rear.* Each main structure shall have a rear yard of not less than fifty (50) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-106. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-107. Reserved.**

**Sec. 21-109.1. Buffer and screening adjacent to residential districts.**

(a) Where a lot in a Highway Commercial District, B-2 is adjoining property in a residential district, a continuous buffer not less than twenty-five (25) feet in depth shall be provided on the B-2 lot. For purposes of this provision, adjoining property shall include property across an alley from the side of a lot in a B-2 District. Where property in a residential district is situated across an alley from the rear of a lot in a B-2 District, screening as required by this section shall be provided along the rear of the B-2 lot, and no buffer shall be required. No building, structure, parking, driveway, loading or outside storage or service area shall be located within a required buffer. Buffers shall contain continuous visual screening not less than six (6) feet in height consisting of structural fences or walls or evergreen vegetative material, or combinations thereof. 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 at any location visible from any adjacent property zoned residential. Structural or planted screening may be deleted where the buffer is maintained in a natural state, or is supplemented with additional planting, and provides the required visual screening. Structural or planted screening shall not extend any closer to the street than the required front yard depth on the adjoining residential zoned property.

(b) A plan for the buffer shall be submitted as part of the landscape plan required by the provisions of article XXIII of this chapter, and shall include elevation drawings and specifications of materials to be used.

(c) The town council may, after receiving a recommendation from the Planning Commission and after giving public notice and holding a public hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, grant an exception to the buffer requirement in a specific case if the adjoining property is designated in the future land use plan for commercial, industrial or office-business use.

**Sec. 21-112. Use regulations.**

(No changes to paragraphs (a) and (b) of this section)

(c) Retail stores, with no gas pumps, provided that no individual use permitted by this paragraph shall occupy more than twenty-five hundred (2,500) square feet of floor area.

(No changes to paragraphs (d) through (i) of this section)

(j) Offices, provided that no individual office use shall occupy more than twenty-five hundred (2,500) square feet of floor area.

**Sec. 21-114. Setback regulations.**

The minimum setback shall be fifty (50) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-114.2. Yard regulations.**

(a) *Side.* The minimum width of each side yard shall be fifteen (15) feet for a residential use and twenty-five (25) feet for a business or commercial use, provided that the minimum street side yard for all buildings and structures shall be fifty (50) feet.

(b) *Rear.* The minimum rear yard for each main structure shall be twenty-five (25) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-115. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-116. Reserved.**

**Sec. 21-117.2. Buffer and screening adjacent to residential districts.**

(a) Where a lot in a Neighborhood Commercial District, B-4 is adjoining property in a residential district, a continuous buffer not less than fifteen (15) feet in depth shall be provided on the B-4 lot. For purposes of this provision, adjoining property shall include property across an alley from the side of a lot in a B-4 District. Where property in a residential district is situated across an alley from the rear of a lot in a B-4 District, screening as required by this section shall be provided along the rear of the B-4 lot, and no buffer shall be required. No building, structure, parking, driveway, loading or outside storage or service area shall be located within a required buffer. Buffers shall contain continuous visual screening not less than six (6) feet in height consisting of structural fences or walls or evergreen vegetative material, or combinations thereof. 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 at any location visible from any adjacent property zoned residential. Structural or planted screening may be deleted where the buffer is maintained in a natural state, or is supplemented with additional planting, and provides the required visual screening. Structural or planted screening shall not extend any closer to the street than the required front yard depth on the adjoining residential zoned property.

(b) A plan for the buffer shall be submitted as part of the landscape plan required by the provisions of article XXIII of this chapter, and shall include elevation drawings and specifications of materials to be used.

(c) The town council may, after receiving a recommendation from the Planning Commission and after giving public notice and holding a public hearing as required by Section 15.2-2204 of

the Code of Virginia, 1950, as amended, grant an exception to the buffer requirement in a specific case if the adjoining property is designated in the future land use plan for commercial, industrial or office-business use.

**Sec. 21-122. Setback regulations.**

The minimum setback shall be fifty (50) feet. *(see article XXV for supplemental yard regulations)*

**Sec. 21-123. Yard regulations.**

(a) *Side.* The minimum width of each side yard shall be twenty-five (25) feet, except that when a use is abutting a residential district, there shall be a side yard of not less than fifty (50) feet with a minimum of fifteen (15) feet unobstructed. The minimum street side yard for all buildings and structures shall be fifty (50) feet.

(b) *Rear.* The minimum rear yard for each main structure shall be fifty (50) feet, except that when a use is abutting a residential district, there shall be a rear yard of not less than one hundred (100) feet.

*(see article XXV for supplemental yard regulations)*

**Sec. 21-124. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. *(see article XXV for supplemental height regulations)*

**Sec. 21-125.3. Buffer and screening adjacent to residential districts.**

(a) Where a lot in a Limited Industrial District, M-1 is adjoining property in a residential district, a continuous buffer not less than fifty (50) feet in depth shall be provided on the M-1 lot. For purposes of this provision, adjoining property shall include property across an alley from the side of a lot in an M-1 District. Where property in a residential district is situated across an alley from the rear of a lot in an M-1 District, screening as required by this section shall be provided along the rear of the M-1 lot, and no buffer shall be required. No building, structure, parking, driveway, loading or outside storage or service area shall be located within a required buffer. Buffers shall contain continuous visual screening not less than six (6) feet in height consisting of structural fences or walls or evergreen vegetative material, or combinations thereof. 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 at any location visible from any adjacent property zoned residential. Structural or planted screening may be deleted where the buffer is maintained in a natural state, or is supplemented with additional planting, and provides the required visual screening. Structural or planted screening shall not extend any closer to the street than the required front yard depth on the adjoining residential zoned property.

(b) A plan for the buffer shall be submitted as part of the landscape plan required by the provisions of article XXIII of this chapter, and shall include elevation drawings and specifications of materials to be used.

(c) The town council may, after receiving a recommendation from the Planning Commission and after giving public notice and holding a public hearing as required by Section 15.2-2204 of the Code of Virginia, 1950, as amended, grant an exception to the buffer requirement in a specific case if the adjoining property is designated in the future land use plan for commercial, industrial or office-business use.

**Sec. 21-132. Height regulations.**

No building or structure shall exceed a height of thirty-five (35) feet from grade. (*see article XXV for supplemental height regulations*)

**Sec. 21-179.9. Development standards.**

(No changes to paragraphs (a) through (c) or (e) through (k) of this section)

(d) *Perimeter buffer adjacent to residential districts.* Where a lot in a POB District is adjoining property in a residential district, a continuous buffer not less than fifty (50) feet in depth shall be provided on the POB lot. No building, structure, parking, driveway, loading or outside storage or service area shall be located within such buffer. Buffers shall contain continuous visual screening not less than six (6) feet in height consisting of structural fences or walls or evergreen vegetative material, or combinations thereof. Earth berms may be used in conjunction with fences, walls or vegetative material to provide the required screening height. Structural or planted screening may be deleted where the buffer is maintained in a natural state, or supplemented with additional planting, and provides the required visual screening.

The Town Council may, at the time of approval of the development plan for a POB District, grant an exception to the buffer requirement in a specific case if the adjoining property zoned residential is designated in the future land use plan for commercial, industrial or office-business use.

**ARTICLE XXV. SUPPLEMENTAL REGULATIONS**

**Sec. 21-250. Applicability of article.**

The regulations set forth in this article are additions or exceptions to, and shall be construed to qualify, supplement or modify, as the case may be, the regulations and requirements set forth in the district regulations contained in this chapter.

**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.

**Sec. 21-252. More than one main building on a lot.**

More than one main building containing a permitted principal use may be located on a single lot when all lot area, yard, open space, yard between buildings and other applicable requirements of the district in which such lot is situated are met, provided that no main building containing a single-family dwelling or a two-family dwelling shall be located on a lot with any other main building.

**Sec. 21-253. Yards and open spaces in general.**

No yard or other space provided around any building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or other open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space on any other lot.

**Sec. 21- 254. Yards along streets to be widened.**

Whenever there are plans approved by the Virginia Department of Transportation or by the town for the widening of any street or highway, or where such widening is shown in the comprehensive plan of the town, and when such plans or the comprehensive plan identify with dimensions the proposed location or width of the future right-of-way of such street or highway, the zoning administrator shall require the front yards and street side yards along such future planned right-of-way to be measured from the future right-of-way line. A map showing the general location of streets or highways for which widening plans have been approved or are shown in the comprehensive plan shall be maintained in the office of the director of public works.

**Sec. 21-255. Exceptions to yard requirements.**

Except for required visibility at intersections as provided in this article, the following may be located within required yards:

- (a) *Fences and walls.* Fences and walls not exceeding four (4) feet in height may be located within required front and street side yards. Fences and walls not exceeding eight (8) feet in height may be located within required side and rear yards. All other fences and walls shall be subject to all yard requirements applicable to buildings and structures.
- (b) *Yard accessories.* Poles, posts, similar customary yard accessories and ornaments, and permitted signs for which no specific yard requirement is set forth elsewhere in this chapter, may be located within required yards.

**Sec. 21-256. Permitted projections into required yards.**

(a) *Certain architectural features.* Sills, belt courses, bay windows, cornices, eaves, roof overhangs, chimneys, pilasters and similar architectural features of a building may project into required yards not more than two (2) feet.

(b) *Uncovered decks, patios, steps, and landings.* Uncovered decks, patios, steps, landings, and other similar building features may project into required yards, provided that such features do not exceed a height of thirty (30) inches above the adjacent natural ground level, except for railings, and provided that no such feature shall extend into a required yard more than one-half (1/2) the required yard depth or width. Covered building projections, and projections exceeding thirty (30) inches in height shall be subject to all yard requirements unless specifically exempted by this section.

(c) *Unenclosed porches.* Unenclosed porches as defined in article I may project into required front yards a distance of not more than ten (10) feet.

(d) *Unenclosed carports.* Unenclosed carports as defined in article I may project into required side yards a distance of not more than five (5) feet.

(e) *Fire escapes.* Unenclosed, except for lattice, and uncovered fire escapes may project into required side and rear yards a distance of not more than five (5) feet.

**Sec. 21-257. Yards and screening for swimming pools and tennis courts.**

Swimming pools, pool deck areas and tennis courts shall not be located within required front and side yards. Swimming pools, pool deck areas or tennis courts accessory to any use other than a single-family dwelling and situated within fifty (50) feet of adjacent property in a residential district shall be screened from such property by continuous walls, fences or evergreen vegetative material not less than six (6) feet in height.

**Sec. 21-258. Visibility at intersections.**

(a) *Purpose.* The purpose of this provision is to prohibit the planting of shrubbery or low trees or the construction of solid fences, walls, signs or other structures that would block the visibility of on-coming vehicles to motorists at a street intersection. This provision shall not be applicable to public utility poles, official street signs, fire hydrants and other appurtenances installed by a governmental agency for public safety purposes, or to tree trunks which do not materially impair visibility, and shall not be construed to require the removal of any mature trees existing at the effective date of this provision.

(b) *Visibility triangle.* On a corner lot in any district other than a Central Business District, nothing that would materially obstruct the vision of operators of motor vehicles shall be erected, placed, planted or allowed to grow between the heights of three (3) feet and eight (8) feet above

the grade of the intersection of the center lines of the adjacent intersecting streets within the following described area:

A triangular shaped area on the ground bounded on two (2) sides by the street lines abutting the lot, and bounded on the third side by a line joining points on said street lines twenty (20) feet from the point of their intersection.

**Sec. 21-259. Exceptions to height regulations.**

(a) *Applicability of height regulations.* The height regulations set forth in this chapter shall not apply to church spires, belfries, cupolas, barns or silos used for agriculture or feed storage or mixing, water or cooling towers, accessory antennas, ventilators, chimneys, flues, solar energy equipment or similar appurtenances or mechanical structures attached to a building and not intended for human occupancy and containing no signs or other advertising. Parapet walls may exceed the height limit applicable in a district by not more than four (4) feet.

(b) *Height of accessory buildings.* No accessory building shall exceed the height of the main building on the lot, nor shall any accessory building exceed fifteen (15) feet in height when located within any portion of a side or rear yard that would be required for a main building on the lot.

**Sec. 21-260. Drainage.**

No building shall be erected on any land and no change shall be made in the existing contours of any land, including any change in the course width, or elevation of any natural or other drainage channel, in any manner, that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. Factors to be considered in determining substantial change shall include the recommendations of the storm drainage study, and any adopted drainage standards of the Virginia Department of Highways and Transportation or the town. In the administration of this requirement, the zoning administrator shall refer any application to the town manager for a determination of the matter.

**Sec. 21-261. Use and storage of recreational equipment.**

(a) No major recreational equipment shall be used for living, sleeping or other occupancy when parked or stored on a residential lot, or in any other location not approved for such use.

(b) Major recreational equipment not parked or stored in a garage, carport or other building:

- (1) Shall not be parked on any street in a residential district;
- (2) Shall not be located in any required front yard in a residential district; and
- (3) Shall not be located less than three (3) feet from all buildings.

**Sec. 21-262. Bed and breakfast uses.**

(a) Because many older single-family homes are larger and represent sizable maintenance and energy costs for single family, it is the concern of the town that restriction to only single-family use may foster inadequate maintenance or abandonment. The possible consequences of this trend may be a general appearance of blight which, if allowed to proceed, could erode the social stability of a neighborhood. Based upon the above, some areas are regarded as conducive for limited use for bed and breakfast purposes; but only after approval of a conditional use permit to minimize any adverse impact of such operation upon the neighborhood.

(b) In addition to other requirements that may be imposed upon the operation of a bed and breakfast use, the following requirements shall be met:

- (1) The use of the property for a bed and breakfast shall clearly be accessory to the use of the property as a single-family dwelling;
- (2) The structure shall be a minimum of two thousand five hundred (2,500) square feet, excluding garages or accessory buildings; the minimum lot size shall be thirty thousand (30,000) square feet or have minimum twenty-five-foot side yard and one-hundred-foot rear yard setbacks;
- (3) Off-street parking shall be provided at the rate of one space for each bedroom within the building; all required parking spaces shall be hard-
- (4) A conditional use permit for a bed and breakfast use shall be voided upon the sale or transfer of the property
- (5) The property in question must be the principle residence of the owner. Said owner-occupant shall be the record owner of no less than fifty (50) percent interest of the property in question;
- (6) Each operator shall keep a list of the names of all persons staying at the bed and breakfast operation. Such list shall be available for inspection by town officials at any time;
- (7) The maximum stay for any occupants of bed and breakfast operations shall be fourteen (14) days;
- (8) The structure shall remain a residential structure; and
- (9) Signs not exceeding one square foot with a standard logo identifying the bed and breakfast use shall be

**Sec. 21-263. Satellite antenna**

(a) In all zoning districts, subject to the provisions contained herein, satellite television

antenna shall be located only in the rear yard of any lot, but not closer than five (5) feet from any property line.

(b) In the R-1, R-2, R-3 and R-4, R-5, RO-1 and the B-1 Districts, if usable satellite signals cannot be received by locating the antenna in the rear yard of the property, such antenna may be placed in the side or front yard or on the roof of the dwelling structure, provided that a conditional use permit is obtained prior to such installation. Such permit shall be issued by the town council upon a showing by the applicant that usable satellite signals are not receivable from the rear yard. Normal fees for application for a conditional use permit shall apply.

(c) In the R-1, R-2, R-3 and R-4, R-5, RO-1 and the B-1 zoning districts, a satellite television antenna shall not exceed a total area of ten (10) square feet, and a ground mounted satellite television antenna shall not exceed twenty (20) feet in height, including any platform or structure upon which said antenna is mounted or affixed. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height requirement imposed by this paragraph, such antenna may be installed at a greater height, provided that a conditional use permit is obtained prior to such installation. Such permit shall be issued by the town council upon a showing by the applicant that installation at a height greater than twenty (20) feet is necessary for the reception of usable satellite signals. Normal application fees for a conditional use permit shall apply.

(d) In the B-2, B-4, M-1, and POB, PSC and PUD districts, satellite dishes may be installed as long as they are within the building envelope and do not exceed the height requirement of the district. The antenna should be located in a manner that would reduce the visibility from any public street. A satellite antenna that is larger than ten (10) square feet will require a conditional use permit.

(e) Satellite television antennas shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.

**Sec. 21-264. Special provisions for accessory apartments.**

The following provisions shall apply to accessory apartments in all districts in which they are permitted by the use regulations set forth in this chapter.

- (a) An accessory apartment is a self-contained residential unit with a separate entrance. The private entrance may be either an exterior door leading directly outside or a door to a common vestibule shared with the main house. A self-contained unit must include a bathroom and kitchen facilities.
- (b) An accessory apartment may be located either in the principal dwelling or in an accessory building, provided such accessory building shall conform with the requirements of this chapter. The minimum lot area required for the construction of a new accessory apartment building shall be:
  - (1) Thirty thousand (30,000) square feet in an R-1 District

- (2) Twenty thousand (20,000) square feet in an R-2 District
- (3) Sixteen thousand (16,000) square feet in an R-3 or R-4 District
- (c) There shall be no more than one accessory apartment permitted per one-family building lot.
- (d) The owner(s) of the principal residence shall occupy at least one of the dwelling units, except for bona fide temporary absences.
- (e) The design and size of the accessory apartment shall conform to all applicable standards in the health, building and other codes.
- (f) For accessory apartments located within a single-family house, the apartment shall be designed so that, to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances shall be located on the side or in the rear of the building, and any additions shall not increase the square footage of the original house by more than ten (10) percent.
- (g) The accessory apartment shall be no more than twenty-five (25) percent gross floor area of the dwelling unit existing prior to establishing the accessory apartment.
- (h) The owner(s) shall eliminate any nuisance or noxious use of the property. A nuisance shall constitute three (3) legitimate notices from the Ashland Police which are caused by actions of the tenant or guest(s) of the tenant.
- (i) A certificate of use and occupancy and zoning approval shall be obtained at the time of any new lease agreement. A copy of the certificate of use and occupancy and confirmation of building code compliance shall be filed with the zoning administrator by the applicant.
- (j) In the event that the property is sold, the conditional use permit for the accessory apartment shall be valid only for one year from the date of sale or until the date of review of the permit, for that amount of time which remains on the permit, whichever first occurs. If the new owner wishes to continue the accessory apartment use, a new permit application shall be filed for consideration by the town council.
- (k) Any other appropriate or more stringent conditions deemed necessary to protect the public health, safety and welfare, and the single-family character of the neighborhood may be imposed by the town council in conjunction with approval of the conditional use permit.

- 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: October 5 and 12, 1998  
Hanover Plus: October 14, 1998  
Town Council: Herald Progress: November 9 and 16, 1998  
Hanover Plus: November 11, 1998

Public Hearing:

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

Adopted: December 15, 1998

Effective: December 15, 1998