

ORDINANCE #96-32

AN ORDINANCE to amend all zoning districts of Chapter 21, Zoning of the Code of the Town of Ashland, Virginia to permit the extension of underground water and sewer lines in all districts with written approval by Town Council, and major utility facilities such as plant expansions, tanks, or other buildings, including pump stations in all districts with a conditional use permit.

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

- 1) Section 21-24(d). Use Regulations of Article III. Agricultural, Residential District (AR-1), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-24 (d) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including railroads and their facilities, ~~and water and sewer installations.~~ **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 2) Section 21-32 (d) Use Regulations of Article IV. Residential, Restricted District (R-1), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-32 (d) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision of utilities, ~~including water and sewage facilities.~~ From the effective date of this chapter, new electric and communication utilities shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 3) Section 21-40 (g) Use Regulations of Article V. Residential, Limited District (R-2), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-40 (g) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewage facilities~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of**

water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.

- 4) Section 21-47 (l) Use Regulations of Article VI. Residential, Medium District (R-3), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-47 (l) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewage facilities~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 5) Section 21-56 (j) Use Regulations of Article VII. Residential, Medium-High District (R-4), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-56 (j) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewage facilities~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 6) Section 21-69 (h) Use Regulations of Article VIII. Residential, Multifamily District (R-5), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-69 (h) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewage facilities~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 7) Section 21-80 (e) Use Regulations of Article IX. Residential, Office District (RO-1), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-80 (e) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewage facilities~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 8) Section 21-92 (27) Use Regulations of Article X. Central Business District (B-1), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-92 (27) Public utilities including poles, lines, distribution transformers, pipes, meters, ~~water and sewer lines~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 9) Section 21-101 (27) Use Regulations of Article XI. Highway Commercial District (B-2), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-101 (27) Public utilities including poles, lines, distribution transformers, pipes, meters, ~~water and sewer lines~~ shall be installed underground in accordance with article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 10) Section 21-112 (f) Use Regulations of Article XII. Neighborhood Commercial District (B-4), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-112 (f) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision

and maintenance of public utilities, ~~including water and sewerage facilities~~. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 11) Section 21-119 (21) Use Regulations of Article XIII. Limited Industrial District (M-1), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-119 (21) Public utilities such as electric distribution transformers, pipes, meters, ~~water and sewer lines~~ and public utility generating booster or relay stations, transformer substations, transmission lines shall be placed underground in accordance with Article XXII, Underground utility services. However, at the discretion of the landowner, poles, lines, towers, distribution or transmission lines or distribution transformers may be placed aboveground along the rear of said landowner's real estate as may be directed and approved by the zoning administrator; provided however, that all utility lines and appurtenances thereto serving any improvements constructed on the real estate shall be placed and run underground from the location of the overhead or aboveground service to the site of the improvements. In no case, however, may such utilities placed aboveground be adjacent to a public road within the Town of Ashland or cross such a road. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 12) Section 21-128 (c) Use Regulations of Article XIV. Higher Education District (HE), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-128 (c) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewerage facilities~~ shall be placed underground in accordance with Article XXII, Underground utility services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 13) Section 21-146 (m) Use Regulations of Article XVI. Planned Developments (PUD), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-146 (m) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewerage facilities.~~ **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 14) Section 21-155 (e) Use Regulations of Article XVI. Planned Developments (PUD), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-155 (e) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewerage facilities.~~ **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 15) Section 21-173 (l) Use Regulations of Article XVI. Planned Developments (PUD), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-173 (l) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, ~~including water and sewerage facilities.~~ **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

- 16) Section 21-179.3 (o) Use Regulations of Article XVI. Planned Developments (PUD), of Chapter 21, Zoning of the *Code of the Town of Ashland, Virginia*, is amended as set forth below:

Section 21-179.3 (o) Public utilities including poles, lines, transformers, pipes,

meters and other facilities necessary for the provision and maintenance of public utilities subject to the provisions of Article XXII, Underground Utility Services. **The extension of water and sewer lines shall be underground and be approved by Town Council. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit.**

17) 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.

18) The provisions of this Ordinance shall be in force immediately upon adoption.

19) 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: August 23, 1996

Advertised:

Planning Commission: Mondays, November 4 and 11, 1996

Town Council: Mondays, November 25 and December 2, 1996

Public Hearing:

Planning Commission: November 20, 1996

Town Council: December 10, 1996

Adopted: December 10, 1996

Effective: December 10, 1996