



**Planning Commission Work Session**

**November 13, 2013  
6:30 p.m.**

**Town of Ashland Council Chambers**

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**Work Session Agenda**

**I. Continued Discussion (B-1) Central Business District Form/District Guidelines**

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**Planning Commission Regular Meeting**

**November 13, 2013  
7:00 p.m.**

**Town of Ashland Council Chambers**

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**Regular Meeting Agenda**

**I. CALL TO ORDER**

**II. ROLL CALL**

**III. DETERMINATION OF QUORUM**

**IV. APPROVAL OF AGENDA**

**V. CITIZEN INPUT**

**VI. PRESENTATION OF MINUTES**

**A. July 10, 2013, Planning Commission Work Session and Regular Meeting Minutes**

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**B. August 14, 2013, Planning Commission Regular Meeting Minutes**

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**C. September 11, 2013, Planning Commission Work Session and Regular Meeting Minutes**

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**VII. PRESENTATION**

**A. None.**

**VIII. PUBLIC HEARINGS**

- A. **ORD2013-11** is an ordinance to amend The Code of the Town of Ashland, Chapter 21 “Zoning,” Article I “In General,” Section 21-3 “Definitions,” and Article XX “Signs,” Section 21-207.1 “General Provisions,” to clarify conflicting sign definitions within the Code, and to void time restrictions on displaying of political signs due to a conflict with state law.

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**IX. ACTION ITEMS**

- A. **SUB13-0919 - Virginia Street aka France English Major Subdivision – Preliminary Plat Review**

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**X. REPORT OF COMMITTEES**

- A. **Town Council** – Dr. Spagna
- B. **Ashland Main Street Association** - Nora Amos
- C. **Economic Development Authority of Ashland, Virginia** – Nora Amos

**XI. UNFINISHED BUSINESS**

**XII. NEW BUSINESS**

- A. **None.**

**XIII. UPCOMING ITEM**

- A. **None.**

**XIV. ADJOURNMENT**

**ATTACHMENTS:**

- A. **Council Summaries**
- B. **Planning Projects**

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# Town of Ashland



**Town of Ashland**  
Planning Commission  
**Work Session**  
Minutes  
July 10, 2013 – 6:00 p.m.

The Planning Commission of the Town of Ashland, Virginia, held a work session on Wednesday, July 10, 2013, in the Town of Ashland Council Chambers located at 101 Thompson Street, Ashland, Virginia.

**Present:** Alan Abbott, Chairman  
Lou Ann Jewell, Vice-Chair  
Felix Stevens, III (arrived 6:30 p.m.)  
Bob Brown

**Absent:** Bob Flanagan

**Others Present:** Nora Amos,  
Director of Planning and Community Development  
Garet Prior, Planner II  
Andrea Erard, Town Attorney  
Nancy Quesenberry, Administrative Assistant

## **CALL TO ORDER:**

Mr. Abbott opened the Planning Commission work session at 6:00 p.m.

The Planning Commission reviewed the items for the Planning Commission meeting scheduled for 7:00 p.m.

The Planning Commission discussed allowable uses in the B-1 (Central Business) District.

There was discussion regarding definitions for personal services.

Ms. Erard stated that she would research the Religious Land Use and Institutionalized Persons Act, and guidelines for churches, theaters, and assembly halls.

## **ADJOURNMENT:**

There being no other items, the work session was adjourned at 6:58 p.m.

Town of Ashland



**Town of Ashland**  
Planning Commission  
Minutes  
July 10, 2013 –7:00 p.m.

A regular meeting of the Planning Commission of the Town of Ashland, Virginia, was held on Wednesday, July 10, 2013, at 7:00 p.m. in the Town of Ashland Council Chambers, located at 101 Thompson Street, Ashland, Virginia.

**Present:** Alan Abbott, Chairman  
Lou Ann Jewell, Vice-Chair  
Felix Stevens, III  
Bob Brown

**Absent:** Bob Flanagan

**Others Present:** Nora Amos,  
Director of Planning and Community Development  
Garet Prior, Planner II  
Dr. Spagna, Council Liaison  
Andrea Erard, Town Attorney  
Nancy Quesenberry, Administrative Assistant

**CALL TO ORDER:**

Mr. Abbott called the regularly scheduled Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL:**

|             |      |
|-------------|------|
| Ms. Jewell  | Here |
| Mr. Brown   | Here |
| Mr. Stevens | Here |
| Mr. Abbott  | Here |

**DETERMINATION OF QUORUM:**

Mr. Abbott stated that a quorum was present.

**APPROVAL OF AGENDA:**

Mr. Abbott asked if there were any amendments to be made to the agenda.

There was a consensus of the Planning Commission to accept the agenda as presented.

**CITIZEN INPUT:**

Mr. Abbott opened the floor for public comment; there being none, citizen input was closed.

**PRESENTATION OF MINUTES:**

**A. Charlotte Torrence – Girl Scout Journey Presentation on Environmental Justice**

Miss Torrence provided a Power Point Presentation on Environmental Justice as a part of the Girl Scout program to earn her Journey Award.

**B. March 13, 2013 Planning Commission Work Session & Regular Minutes**

**C. March 20, 2013, Planning Commission Work Session Minutes**

A motion was made by Ms. Jewell to approve the March 13, 2013, Planning Commission Work Session & Regular minutes as well as the March 20, 2013, Planning Commission Work minutes as presented.

**PRESENTATION:**

**A. None.**

**PUBLIC HEARINGS:**

**A. CUP13-0524 –Fields, Sharon E.** - This is a request for a Conditional Use Permit in accordance with Sec. 21-119 (30) of the Town Code to operate an adult day care on property identified as GPIN 7789-27-2083 located at 325 Hill Carter Parkway, Presidential II, Suite A, consisting of +/- 4.743 acres. This property is currently zoned M-1 (Light Industrial), and is located at the southeast corner of Hill Carter Parkway and Business Lane. The Comprehensive Plan designates this property as appropriate for office and industrial uses.

Mr. Prior reviewed the staff report as presented in the Planning Commission packets.

Mr. Prior stated that staff recommends approval with the following conditions:

- 1.) Contain all services, activities, storage and materials within the building.
- 2.) The operation will conform to all federal, stated, and local laws and be 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.
- 3.) No adult day care services will include any services provided as part of a probationary program or a substance abuse program.

- 4.) The applicant shall participate as necessary in the recordation of this Conditional Use Permit in the Hanover County Circuit Court.

*Ms. Sharon E. Fields – 1228 Aster Park Drive, Glen Allen*

Ms. Fields stated that she has always wanted to open an adult daycare facility and has taken care of the elderly for several years.

Ms. Fields stated that she would like to have lounging chairs and games set up in the grassy area on the side of the building during the summer months.

Ms. Fields stated that inside the building she would have a recreational room, bedrooms, a kitchen, dining room, living room and several areas for crafts, knitting, and other activities.

It was the consensus of the Planning Commission to have staff work with the Applicant to provide conditions with the proper language for items to be brought inside at the end of the day, and to have fencing to shield the parking lots from the clients of the adult daycare.

Ms. Fields stated that she was working with the Department of Social Services and her potential clients. Ms. Fields stated that the facility would be able to hold 50 to 70 people but that she has applied for a license to have 26 to 50 in a space of approximately 5,000 square feet. The hours of operation would be from 6:00 A.M. to 6:00 P.M.

Ms. Fields stated that she would be serving breakfast and lunch and that the food would be prepared offsite.

Mr. Abbott stated concerns of outside activities for clients that have Alzheimer's and the potential for them wondering off.

There being no further comments, the public hearing was closed.

A motion was made by Mr. Brown to recommend approval to the Town Council CUP13-0524 for Sharon E. Fields with the conditions as presented and with direction for staff to work with the Applicant on outdoor activities and fencing.

**ROLL CALL:**

|             |     |
|-------------|-----|
| Mr. Stevens | Aye |
| Mr. Brown   | Aye |
| Ms. Jewell  | Aye |
| Mr. Abbott  | Aye |

With all Ayes the motion passed.

**CUP13-0604 – Robert B. Ritchie, Jr.** – This is a Conditional Use Permit request in accordance with Sec. 21-101(2) of the Town Code to allow for the sale of used automobiles on property identified as GPIN 7880-03-0772 located at 501 North Washington Highway, consisting of +/- 0.961 acres. The property is currently zoned B-1 (Highway Commercial District), and is located just north of the intersection of North Washing Highway and Wythe House Drive. The Comprehensive Plan designates this property as appropriate for mixed commercial uses.

Mr. Prior reviewed the staff report as presented in the Planning Commission packet.

Mr. Prior stated that staff recommended approval of this request with the following conditions:

- 1.) Display vehicles will be limited to the identified 5 spaces for “Display Vehicle Parking Spaces for Automotive Concepts” as displayed in the Sketch Plan, dated June 6, 2013.
- 2.) No automobiles may be displayed within the minimum twenty-five (25) feet front setback; however this may be reduced to fifteen (15) feet if the landscape buffer along Washington Highway/Route 1 is improved to the following standards:
  - a. The buffer shall be planted with at least two (2) deciduous trees having a caliper of not less than two and one-half (2½) inches at the time of planting.
  - b. The buffer shall also include shrubs, vegetative ground cover, other plant material or combinations thereof and may contain pedestrian walkways incidental to landscaping, and the landscaping plan shall be approved by the Zoning Administrator. Pea gravel or stone is not an acceptable groundcover.
- 3.) All existing pole lights will be adjusted to comply with lighting requirements pertaining to fixtures being downward directed.
- 4.) Inoperable motor vehicles will only be allowed on the property if they are to be serviced on site within a 60 day period. They may only be stored to the rear of the existing building in the fenced in area.
- 5.) Vehicle storage behind the building shall be screened from view of right-of-ways or adjacent properties. In areas where a vegetative screen is not currently provided, such screening shall consist of a continuous, staggered mix of evergreen vegetative material not less than six (6) feet in height. An exception to this screening is made for the area between the existing sales office and shop building, where this vegetative screening will not be required.
- 6.) Pennants, banners, streamers, and all other fluttering, spinning, or similar signs and advertising devices are prohibited.
- 7.) Any additional construction of freestanding signage will be monument style and conform to Town standards.
- 8.) No exterior amplification devices or sound systems shall be used.
- 9.) The applicant shall participate as necessary in the recordation of this Conditional Use Permit in the Hanover County Circuit Court.

*Ronald Martin, Attorney with McCall, Martin, Evans and Cook, representing DebMark, LLC.*

Mr. Martin stated that the applicant would only have five (5) vehicles in the front area of the property and that their sales would primarily be from the internet, and that there would be no repairs done on the site.

Mr. Martin requested that the wording for condition number five (5) be revised to state that there would be reference to the area for vegetation, because there may not be enough room to plant the requested number of trees.

There was discussion regarding wording proposed to be added to condition number five (5) to reference the diagram as an exhibit used in the presentation and that vinyl type fencing shall be provided if vehicles are visible from U.S. Route 1.

Mr. Brown expressed concern of the limited amount of space to plant trees in the front as recommended by staff.

Ms. Jewell asked how many vehicles would be stored on the parcel.

Mr. Martin stated that it would be up to 35 vehicles.

There being no other comments, Mr. Abbott closed the public hearing.

Ms. Jewell asked about the allowable signage for this business.

Mr. Prior stated that other than re-facing the existing pole sign, the only other signage that would be allowed would be a monument style sign.

Mr. Abbott asked if there was going to be a requirement to cover the chain link gate.

Mr. Prior stated that there was not.

A motion was made by Ms. Jewell to recommend approval to the Town Council CUP13-0604 as presented with the submitted conditions listed below and with an amendment to condition number five (5) to have wording added to reference a diagram that was used in the Power Point presentation as an exhibit along with language to state that a vinyl type fence shall be installed if vehicles are visible from U.S. Route 1.

- 1.) Display vehicles will be limited to the identified 5 spaces for "Display Vehicle Parking Spaces for Automotive Concepts" as displayed in the Sketch Plan, dated June 6, 2013.
- 2.) No automobiles may be displayed within the minimum twenty-five (25) feet front setback; however this may be reduced to fifteen (15) feet if the landscape buffer along Washington Highway/Route 1 is improved to the following standards:
  - a. The buffer shall be planted with at least two (2) deciduous trees having a caliper of not less than two and one-half (2½) inches at the time of planting.
  - b. The buffer shall also include shrubs, vegetative ground cover, other plant material or combinations thereof and may contain pedestrian walkways incidental to landscaping, and the landscaping plan shall be approved by the zoning administrator. Pea gravel or stone is not an acceptable groundcover.

- 3.) All existing pole lights will be adjusted to comply with lighting requirements pertaining to fixtures being downward directed.
- 4.) Inoperable motor vehicles will only be allowed on the property if they are to be serviced on site within a 60 day period. They may only be stored to the rear of the existing building in the fenced in area.
- 5.) Vehicle storage behind the building shall be screened from view of right-of-ways or adjacent properties. In areas where a vegetative screen is not currently provided, such screening shall consist of a continuous, staggered mix of evergreen vegetative material not less than six (6) feet in height. An exception to this screening is made for the area between the existing sales office and shop building, where this vegetative screening will not be required.
- 6.) Pennants, banners, streamers, and all other fluttering, spinning, or similar signs and advertising devices are prohibited.
- 7.) Any additional construction of freestanding signage will be monument style and conform to Town standards.
- 8.) No exterior amplification devices or sound systems shall be used.
- 9.) The applicant shall participate as necessary in the recordation of this Conditional Use Permit in the Hanover County Circuit Court.

**ROLL CALL:**

|             |     |
|-------------|-----|
| Mr. Brown   | Aye |
| Mr. Stevens | Aye |
| Ms. Jewell  | Aye |
| Mr. Abbott  | Aye |

With all Ayes the motion passed.

**ACTION ITEMS:**

A. None.

**REPORT OF COMMITTEES:**

**Town Council** – George Spagna

Dr. Spagna stated that the recent Town Council Actions were listed in the Planning Commission packet.

**Ashland Main Street Association** – Nora Amos

Ms. Amos stated that Ashland Main Street and staff have been working on the landscaping and engineering portions of the downtown streetscape and that work should in August.

**Economic Development Authority** –Nora Amos

Ms. Amos provided a brief update on the Economic Development Authority activities and actions.

**UNFINISHED BUSINESS:**

A. None.

**NEW BUSINESS:**

**A. Speakers**

Mr. Abbott asked the Planning Commission members to please contact him and/or Ms. Amos with any requests for informational speakers that they would like to have come and present at upcoming Planning Commission meetings.

**UPCOMING ITEMS:**

**A. Ordinance amendment for Residential and Commercial Zoning**

**OTHER NEWS:**

A. None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:19 p.m.

Town of Ashland



**Town of Ashland**  
Planning Commission  
Minutes  
August 14, 2013 –7:00 p.m.

A regular meeting of the Planning Commission of the Town of Ashland, Virginia, was held on Wednesday, August 14, 2013, at 7:00 p.m. in the Town of Ashland Council Chambers, located at 101 Thompson Street, Ashland, Virginia.

**Present:** Alan Abbott, Chairman  
Lou Ann Jewell, Vice-Chair  
Bob Flanagan

**Absent:** Felix Stevens, III  
Bob Brown

**Others Present:** Nora Amos,  
Director of Planning and Community Development  
Garet Prior, Planner II  
Dr. Spagna, Council Liaison  
Nancy Quesenberry, Administrative Assistant

**CALL TO ORDER:**

Mr. Abbott called the regularly scheduled Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL:**

|              |      |
|--------------|------|
| Ms. Jewell   | Here |
| Mr. Flanagan | Here |
| Mr. Abbott   | Here |

**DETERMINATION OF QUORUM:**

Mr. Abbott stated that a quorum was present.

**APPROVAL OF AGENDA:**

Mr. Abbott asked if there were any amendments to be made to the agenda.

There was a consensus of the Planning Commission to accept the agenda as presented.

**CITIZEN INPUT:**

Mr. Abbott opened the floor for public comment; there being none, citizen input was closed.

**PRESENTATION OF MINUTES:**

A. None.

**PRESENTATION:**

A. None.

Ms. Amos stated that Mr. Lee Garmen would be at the September Planning Commission meeting to provide an update on the Hanover County Comprehensive Plan.

**PUBLIC HEARINGS:**

A. **ORD2013-06** - This is an ordinance to amend the Town Code of the Town of Ashland Chapter 21, "Zoning," Article XXV "Supplemental Regulations," Sec. 21-25, "Location of Uses and Structures," to allow for an exception to the requirement that lots front on an existing street or improved right-of-way.

Mr. Prior reviewed the proposed ordinance amendment as presented in the Planning Commission packet.

Mr. Prior stated that staff recommends deferral of this ordinance amendment until the September 11, 2013, Planning Commission meeting to allow staff time to continue researching all implications of this amendment.

*Mr. Chris Gilman, Gilman and Bateman Realty, representing Leanord T. Pippin, a landlocked landowner.*

Mr. Gilman stated that the parcel is a 1.2 acre parcel adjacent to a 40 foot strip of land that is currently owned by the YMCA and intended for use of a secondary entrance; the YMCA does not intend to use this strip of land.

Mr. Gilman stated that his client has a recorded dead of right-or-way across that 40 foot strip of land and would need 200 feet in length to install a driveway to make the parcel a buildable lot.

Mr. Gilman stated that this parcel of land is the only parcel of land associated with this request.

Mr. Gilman stated that his client, Mr. Pippin, and this parcel of land was located in Hanover County before it was annexed in by the Town; and, because of this and the Towns guidelines, they feel that this constitutes a hardship.

Mr. Abbott opened the public hearing and asked if there was anyone that would like to come forward and speak for or against this ordinance request.

There being no comments from the public, Mr. Abbott closed the public hearing.

Mr. Flanagan asked if this were to be granted, would there be a proffer statement to ensure that whatever needs to be done regarding items such as drainage be properly addressed.

Mr. Prior stated that he was not certain if this matter could be approved with proffers; however, perhaps there could be an approval with conditions that the Town Council could impose, such as storm water runoff etc.

Ms. Jewell asked if any landlocked parcel would be considered a hardship.

Mr. Gilman stated that Mr. Pippin's land is not landlocked; he cannot currently get approval for a building permit for his lot because of the wording in the Town Code.

Mr. Prior stated that perhaps the definition of 'hardship' may not be the proper term to use.

Mr. Abbott stated concerns that if approved as presented, private roads may not be wide enough or well marked for emergency service vehicles.

A motion was made by Ms. Jewell to defer ORD2013-06 to the September 11, 2013, meeting to allow staff to continue to do research for the amendment request.

**ROLL CALL:**

|              |     |
|--------------|-----|
| Ms. Jewell   | Aye |
| Mr. Flanagan | Aye |
| Mr. Abbott   | Aye |

With all Ayes the motion passed.

**ACTION ITEMS:**

A. None.

**REPORT OF COMMITTEES:**

**Town Council – George Spagna**

Dr. Spagna stated that the Town Council has approved \$600,000 for the downtown Streetscape project which should begin within the next couple of weeks.

Dr. Spagna stated that he would be happy to take questions regarding the recent Town Council actions.

Mr. Abbott thanked Dr. Spagna and the Town Council for presenting the planning award to Mr. Brown.

Dr. Spagna stated that it was always a pleasure to present awards and to do things for those that are doing things for the Town.

**Ashland Main Street Association – Nora Amos**

Ms. Amos stated that to elaborate on the award presented to Bob Brown; Mr. Brown was presented the Citizenship Leadership Award of the Year from the Virginia Chapter of American Planning Institution.

Ms. Amos provided a brief update on the Ashland Main Street Association.

**Economic Development Authority –Nora Amos**

Ms. Amos provided a brief update on the Economic Development Authority activities and actions.

**UNFINISHED BUSINESS:**

- A. None.

**NEW BUSINESS:**

- A. None.

**UPCOMING ITEMS:**

- A. **Continual review of the multiple B-1 uses.**

Ms. Amos stated that once the Planning Commission has finished with their review of the Multiple B-1 Uses, she would like to send it out to the Market Ashland Partnership Group and Ashland Main Street Association to review and get feedback from the commercial property owners.

Ms. Amos stated that the next area to review would be the other commercial district uses and then move into the formal portion of the Code.

Ms. Amos stated that she would like to schedule the September 11, 2013, work session meeting to begin at 6:00 p.m. to allow more time to discuss the B-1 uses.

Ms. Jewell stated that she would like to have it noted that she wanted to commend Mr. Prior for his great job of putting together the information for the packets; stating that it was easy to read and addressed their comments and that he provided background information in a very easy to follow format.

**OTHER NEWS:**

A. None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 7:45 p.m.

# Town of Ashland



## **Town of Ashland** Planning Commission

### **Work Session**

#### Minutes

September 11, 2013 – 6:00 p.m.

The Planning Commission of the Town of Ashland, Virginia, held a work session on Wednesday, September 11, 2013, in the Town of Ashland Council Chambers located at 101 Thompson Street, Ashland, Virginia.

**Present:** Alan Abbott, Chairman  
Lou Ann Jewell, Vice-Chair  
Felix Stevens, III  
Bob Brown  
Bob Flanagan

**Absent:** None.

**Others Present:** Nora Amos,  
Director of Planning and Community Development  
Garet Prior, Planner II  
Josh Farrar, Deputy Town Manager / Finance Director  
Dr. George Spagna, Council Liaison  
Lois Smith, Town Clerk

### **CALL TO ORDER:**

Mr. Abbott opened the Planning Commission work session at 6:00 p.m.

The Planning Commission reviewed the items for the Planning Commission meeting scheduled for 7:00 p.m.

### **ADJOURNMENT:**

There being no other items, the work session was adjourned at 6:58 p.m.

Town of Ashland



**Town of Ashland**  
Planning Commission  
Minutes  
September 11, 2013 –7:00 p.m.

A regular meeting of the Planning Commission of the Town of Ashland, Virginia, was held on Wednesday, September 11, 2013, at 7:00 p.m. in the Town of Ashland Council Chambers, located at 101 Thompson Street, Ashland, Virginia.

**Present:** Alan Abbott, Chairman  
Lou Ann Jewell, Vice-Chair  
Felix Stevens, III  
Bob Brown  
Bob Flanagan

**Absent:** None.

**Others Present:** Nora Amos,  
Director of Planning and Community Development  
Garet Prior, Planner II  
Josh Farrar, Deputy Town Manager / Finance Director  
Dr. George Spagna, Council Liaison  
Lois Smith, Town Clerk

**CALL TO ORDER:**

Mr. Abbott called the regularly scheduled Planning Commission meeting to order at 7:00 p.m.

**ROLL CALL:**

|              |      |
|--------------|------|
| Ms. Jewell   | Here |
| Mr. Flanagan | Here |
| Mr. Brown    | Here |
| Mr. Stevens  | Here |
| Mr. Abbott   | Here |

**DETERMINATION OF QUORUM:**

Mr. Abbott stated that a quorum was present.

Mr. Abbott thanked Ms. Smith for sitting in for Ms. Quesenberry.

**APPROVAL OF AGENDA:**

Mr. Abbott asked if there were any amendments to be made to the agenda.

There was a consensus of the Planning Commission to accept the agenda as presented.

**CITIZEN INPUT:**

Mr. Abbott opened the floor for public comment.

Mr. Abbott stated that Mr. Rinker from Winchester Equipment was in attendance to speak about a rezoning request that would be coming before the Planning Commission at the October meeting.

*Mr. Douglas C. Rinker 121 Indian Hollow Road, Winchester, Virginia, representing Bobcat of Richmond/Winchester Equipment Company.*

Mr. Rinker stated that they would be requesting a rezoning for the property located at 12141 Washington Highway. Mr. Rinker stated that they were in the process of doing their due-diligence on this parcel and that rezoning would be required for this property.

Mr. Rinker stated that they would be required to install a wash basin system and other improvements to the grounds.

Mr. Rinker stated that they have been in business since 1957 and they are strong supporters of the green movement and are environmental friendly, so when they wash their equipment they want to be certain that they are doing everything correctly.

Mr. Rinker stated that he wanted to introduce himself even though it would be a week or two before they were certain that they would be moving forward with the project.

Mr. Rinker stated that Bobcat is a small compact construction equipment company and that they rent and sell equipment and parts.

Ms. Jewell asked Mr. Rinker what his hours of operation would be.

Mr. Rinker stated that the hours of operation would be Monday through Friday, from 7:30 a.m. to 5:00 p.m. and that they have five (5) locations in Virginia and that they were designated as an emergency facility to provide support to local, state, and federal, governments in emergency situations for which they could be open 24 hours assisting with snow, hurricanes, tornados, etc.

Mr. Rinker stated that they are currently located at the site that formerly operated as Tilley Landscaping and wish to relocate to the site mentioned above.

There being no further comment; the public comment portion of the meeting was closed.

**PRESENTATION OF MINUTES:**

- A. April 10, 2013, Planning Commission Work Session & Regular Meeting Minutes**
- B. April 24, 2013 Planning Commission Work Session Meeting Minutes**
- C. May 8, 2013, Planning Commission Work Session & Regular Meeting Minutes**
- D. May 15, 2013, Planning Commission Work Session Meeting Minutes**
- E. June 12, 2013, Planning Commission Work Session & Regular Meeting Minutes**

A motion was made by Mr. Flanagan to approve the April 10, 2013, Planning Commission Work Session & Regular minutes as well as the April 24, 2013, Planning Commission Work Session minutes, the May 8, 2013, Planning Commission Work Session and Regular Meeting Minutes, the May 15, 2013, Planning Commission Work Session Minutes, and the June 12, 2013, Planning Commission Work Session and Regular Meeting Minutes as presented.

**ROLL CALL:**

|              |     |
|--------------|-----|
| Mr. Stevens  | Aye |
| Ms. Jewell   | Aye |
| Mr. Flanagan | Aye |
| Mr. Brown    | Aye |
| Mr. Abbott   | Aye |

With all Ayes, the motion passed to approve the minutes as presented.

**PRESENTATION:**

- A. Hanover County Comprehensive Plan Update (Mr. Lee Garman).**

*Mr. Lee Garman, Principal Planner, Hanover County*

Mr. Garman stated that the new Comprehensive Plan for Hanover County has been adopted by the Board of Supervisors.

Mr. Garman provided an update of the changes to the Comprehensive Plan to the Planning Commission and stated that all of the information being presented was available on the Hanover County Website at [www.hanovercounty.gov/compplan](http://www.hanovercounty.gov/compplan).

**PUBLIC HEARINGS:**

- A. None.**

**ACTION ITEMS:**

- A. ORD2013-06** – an ordinance to amend The Code of the Town of Ashland, Chapter 21 “Zoning,” Article XXV “Supplemental Regulations,” Sec. 21-251, “Location of uses and

structures,” to allow for an exception to the requirement that lots front on an existing street or improved public right-of-way to the Town’s specifications.

Mr. Prior provided an overview of the proposed Ordinance amendment as presented in the Planning Commission packet.

There was discussion regarding requirements for lots not fronting on an existing improved right-of-way and how to open the land locked parcels within the Town.

Mr. Prior reviewed the recommended ordinance amendment as it could pertain to the request submitted by Mr. Gillman who was representing Mr. Phippen for a parcel located off of Maple Street, identified as GPIN 7779-75-7663.

Mr. Prior stated that staff was recommending approval of ORD2013-06 to allow for an exception to the requirement that lots fronting on an existing street or improved public right-of-way to the Town’s specifications with a five (5) point criteria test, along with four (4) conditions in which they Town Council may include.

Mr. Abbott expressed concern of not requiring a 14 foot wide access for emergency vehicles.

A motion was made by Mr. Brown to recommend approval of ORD2013-06 as presented by staff to the Town Council.

**ROLL CALL:**

|              |     |
|--------------|-----|
| Mr. Flanagan | Nay |
| Mr. Stevens  | Aye |
| Ms. Jewell   | Aye |
| Mr. Brown    | Aye |
| Mr. Abbott   | Aye |

With four (4) Ayes, and one (1) Nay the motion passed to recommend approval of ORD2013-06 as presented by staff to the Town Council.

**REPORT OF COMMITTEES:**

**Town Council** – George Spagna

Dr. Spagna stated that the recent Town Council Actions were listed in the Planning Commission packet.

**Ashland Main Street Association** – Nora Amos

Ms. Amos stated that the Ashland Main Street Association (AMSA) has established an office in the downtown area located in the McKinney Building.

Ms. Amos stated that AMSA was currently spending most of their time working on Train Day.

Ms. Amos stated that they AMSA would be having their work session with the State Main Street Program representative later this month.

**Economic Development Authority –Nora Amos**

Ms. Amos provided a brief update on the Economic Development Authority activities and actions.

**UNFINISHED BUSINESS:**

A. None.

**NEW BUSINESS:**

**A. CIP Update Review (Josh Farrar)**

Mr. Farrar reviewed the Capital Improvements Projects List as presented in the Planning Commission packet and stated that he has added two (2) new projects to the prioritization list, which are as follows:

- **PF-007 – Police Department Parking Lot.** Chief Goodman has requested to have their parking lot re-done and the Town staff saw this as an opportunity to purchase some credits with the Stormwater Management Program; which would include a design similar to the pervious design of the Municipal parking lot also known as the McKinney parking lot.
- **SW-002 – Comprehensive Stormwater Management Program.** This program has been created for compliance with the Stormwater and Chesapeake Regulations Program that is forthcoming. Financially the Town staff knows that this program will entail a large amount of funding and a large amount of project planning, and would consist of one project at a time over a long period of time.

There was discussion about the Town Hall’s need for building improvements verses building a new building.

Mr. Farrar requested that the Planning Commission review the project list and asked the Planning Commission to prioritize their top projects and submit the lists to him no later than Wednesday, September 18, 2013. Mr. Farrar stated that he would send the electronic Excel worksheet to the Planning Commission to assist them with their ranking.

**B. EDA/PC Coordination (Mr. Abbott)**

Mr. Abbott stated that when the Planning Commission completes their discussion on the land use for B-1, A, B, and C Districts he would like to coordinate with the Economic Development Authority (EDA) so that they will be working towards the same goals as the Planning Commission.

Mr. Abbott stated that he would be attending the October EDA meeting to update them on what the Planning Commission is doing and then periodically meet with the EDA.

Mr. Abbott stated that he would like the Planning Commission to complete the B-1 uses through e-mails and have the work session begin at 6:30 p.m. to discuss them.

Ms. Amos stated that for the record, the next Planning Commission meeting will be on Tuesday, October 8, 2013, beginning with the work session at 6:30 p.m. and further stated that the regular meeting would begin at 7:00 p.m.

**UPCOMING ITEMS:**

A. None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 8:58 p.m.



# Town of Ashland

*Center of the Universe*

## STAFF REPORT

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**To:** Planning Commission, Town of Ashland, Virginia  
**From:** Gareth S. Prior, Planner II  
**Date:** November 13, 2013  
**Case No.:** ORD2013-11  
**Case Type:** Ordinance Amendment  
**RE:** Political Signs Amendment

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### REQUEST:

Staff has received a request from Town Council for a text amendment to void the time restrictions on displaying of political signs due to a conflict with federal law. Town Code Sec. 21-268, states that political campaign signs may only be displayed thirty (30) days prior to an election and must be removed within seven (7) days after the election. This amendment would void all time limitations on political signs.

Additionally, in reviewing this request staff has identified a conflict between definitions listed in the Zoning Ordinance. This text amendment will clarify this conflict by amending the general list of sign definitions to match that of the more recently adopted section for signage, Town Code Sec. 21-207.1.

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### RECOMMENDATION:

Staff is recommending approval of ORD2013-11.

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### MOTION:

**Approve** – I move to recommend approval of ORD2013-11.

**Approve with amendments** – I move to recommend approval of ORD2013-11 with the following amendments...:

**Deny** – I move to recommend denial of ORD2013-11.

**Defer** – I move to defer action on ORD2013-11 to the December 11<sup>th</sup> Planning Commission meeting.

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**SUMMARY:**

This text amendment will amend the Town Code to clarify conflicting language with respect to state code regulation of time restrictions on displaying of political signs, and conflicting definitions within the Zoning Ordinance.

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**CONSIDERATIONS:**

**Political Sign Regulation (Current)**

*Sign, temporary.* A sign applying to seasonal or other brief activity. Temporary signs shall be located on private property. Real properties are not permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period unless otherwise specified in this chapter. Specific types of temporary signs include but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:

(a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of four (4) square feet for each lot in a residential district. Only one campaign sign will be allowed per candidate on a residential lot. Political campaign signs shall be permitted up to a total area of thirty-two (32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. Political campaign signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended. All political campaign signs must be removed within seven (7) days after the election. All signs must be located a minimum of ten (10) feet from the property line.

**Federal Court Rulings**

Rulings at the state and federal level have struck down time limitations on the display of political signs as a violation of the First Amendment.

An example of a ruling can be found in Town of Essex, New York, which adopted a zoning law in 2003 stating that temporary signs for a political campaign...may be erected no more than 30 days prior to the event and shall be removed by the sponsor within 7 days after the close of the event. A complaint was filed in the US District Court for the Northern District of New York, and the judge ruled the law unconstitutional as it was a restriction of free speech. (NYCLU Website, [www.nyclu.org](http://www.nyclu.org). July 21, 2005)

This ruling, along with others that can be further explained by the Town Attorney, have provided the precedent of invalidating any time limitation regulation on political signs, as currently defined in the Town Code. Therefore, staff is proposing the following language for the definition of political signs that would strike any time limitations:

Black: Existing regulations

~~Black~~: Existing regulations voided

Red: New language proposed

(a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of four (4) square feet for each lot in a residential district. Only one campaign sign will be allowed per candidate on a residential lot. Political campaign signs shall be permitted up to a total area of thirty-two (32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. ~~Political campaign signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended. All political campaign signs must be removed within seven (7) days after the election.~~ All signs must be located a minimum of ten (10) feet from the property line. **Furthermore, political campaign signs are excluded from the temporary sign regulation of real properties not being permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period.**

### **Conflicting Definitions**

In reviewing the regulation on political signs, staff identified discrepancies within the Town Code on definitions for sign types. On June 19, 2012, Town Council completed an update of sign regulations in Ashland by adopting Section 21-207. This section established new definitions and regulation for all types of signage.

Also, in the Town Code there is a section of general definitions for the Zoning Ordinance. In reviewing this list of terms, it was found that definitions adopted in the 2012 update of signage regulation were not updated in this list. Therefore, staff is recommending that the general definitions section be amended to reflect the definitions adopted in the signage section. A full listing of this amended list can be found in the ordinance language attached to this report.

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### **CONCLUSION:**

Staff has received a request from Town Council for a text amendment to void the time restrictions on displaying of political signs due to a conflict with federal law. In reviewing these regulations with the Town Attorney, staff has been instructed that any regulation on limiting the display of political signs does not comply with First Amendment rights and federal/state court precedent.

Additionally, in reviewing this request staff has identified a conflict between signs definitions listed in the Zoning Ordinance. This text amendment will clarify this conflict by amending the general list of definitions to match that of the recently adopted section for signage, and voiding any time limitation on the display of political signage.

***Staff is recommending approval of ORD2013-11.***

## Ordinance ORD2013-11

**AN ORDINANCE** to amend The Code of the Town of Ashland, Chapter 21 "Zoning," Article I "In General," Section 21-3 "Definitions," and Article XX "Signs," Section 21-207.1 "General Provisions" to clarify conflicting sign definitions within the Code, and to void time restrictions on displaying of political signs due to a conflict with federal law.

**WHEREAS**, the Town Council has held a public hearing on the \_\_\_\_\_ day of \_\_\_\_\_ 2013, 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 to read, as follows:

Black: Existing regulations

~~Black~~: Existing regulations deleted

Red: New language proposed

### Chapter 21. Article I. In General.

#### Sec. 21-3. Definitions

(a) *Applicability of section.* For the purposes of this chapter, and unless specifically prescribed to the contrary elsewhere in this chapter, certain words and terms shall be interpreted as set forth in this section. Words and terms not defined here or elsewhere in this chapter shall be interpreted in accordance with such normal dictionary meaning or customary usage as is appropriate to the context.

(b) *General rules.* The following general rules of interpretation shall apply throughout this chapter as they are appropriate to the context.

(1) Words used in the present tense include the future tense, words used in the singular number include the plural number and words in the plural number include the singular number, unless the obvious construction of the wording indicates otherwise.

(2) The word "shall" is mandatory; "may" is permissive.

(3) Unless otherwise specified, all "distances" shall be measured horizontally and shall be the shortest distance between the points for which the distance specified.

(4) The word "building" includes the word "structure" and includes any part thereof; the word "lot" includes the words "plots" and "parcel;" and the word "land" includes the words "water" and "marsh."

(5) The terms "main" and "principal" are synonymous.

(6) The word "used" shall be deemed also to include "intended, designed or arranged to be used," "occupied," "erected," "reconstructed," "altered," "placed" or "moved."

(7) The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building."

(8) The word "commonwealth" means the Commonwealth of Virginia.

(9) The word "town" means the Town of Ashland, Virginia.

(10) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

(c) *Certain words and terms defined.* The following words and terms shall be interpreted as having such meaning as described herein, unless a specific meaning to the contrary is indicated elsewhere in this chapter.

*Accessory apartment.* A separate and complete dwelling unit that is incidental to and contained within the same structure as a single-family detached dwelling unit or within an accessory building on the same lot, and which meets all of the conditions and limitations for such use set forth in this chapter.

*Accessory building or accessory structure.* A building or structure separate from the main building on a lot and used for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located. Where such building or structure is attached by walls or roof to a main building, it shall be considered to be a part of the main building.

*Accessory use.* A use of land or a use of a building or structure for purposes customarily incidental and clearly subordinate to the principal use of the lot on which it is located.

*Adult cabaret.* A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by patrons therein.

*Adult day care center.* A facility which provides supplementary care and protection during part of the day to four (4) or more aged, infirm or disabled adults who reside elsewhere, except a facility or portion of a facility licensed by the State Board of Health or Department of Mental Health, Mental Retardation and Substance Abuse Services.

*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.

*Adult use.* Any adult book store, adult motion picture theater, or massage parlor/health club as defined below:

*Adult book store.* An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals, and other media (such as films, video tapes, video cassettes or video discs) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

*Adult motion picture theater.* An enclosed building or outdoor facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" (as defined below) or "specified anatomical areas" (as defined below), for observation by patrons therein, and including any so called "peep show" or individual motion picture machines or similar viewing devices.

*Massage parlor/health parlor.* Any place, establishment or institution, which is operated for the purpose of providing one or more of the following services at such establishment or on a house-call basis: physical massage of the body of another; steam bath; hot box; electrical, mechanical or chemical magnetic bath and stimulation exercises. Excluded are the following: hospitals, nursing homes, medical clinics, offices or quarters of duly certified massage therapists, physicians, chiropractors, osteopaths, or facilities operated by federal, state or county agencies, or barbershops and beauty parlors. Also excluded are health and fitness clubs with steam baths and hot boxes provided that no more than ten (10) percent of the club's gross floor area consists of steam baths and hot boxes.

*Agriculture, limited.* The use of a tract of land of not less than five (5) acres for:

- (1) The tilling of the soil;
- (2) The growing of crops or plant growth of any kind in the open, including forestry;
- (3) Pasturage;
- (4) Horticulture;
- (5) Dairying;
- (6) Floriculture; or
- (7) Raising of poultry and livestock, where the ratio of livestock on a parcel does not exceed one animal per acre.

The term "limited agriculture" shall not include the following:

- (1) The maintenance and operation of commercial greenhouses and hydroponic farms;
- (2) The feeding of garbage to animals;
- (3) The raising of fur-bearing animals as a principal use;
- (4) The operation or maintenance of a commercial stockyard;
- (5) The keeping of livestock, fowl and animals of a wild nature, except the keeping of rabbits, hamsters, mice, guinea pigs and other similar such animals, or birds or fowl for personal use or enjoyment, when such are not kept for sale or other commercial purpose and when such animals, birds or fowl are confined to the interior of the dwelling or other permitted accessory building not designed for the primary purpose of keeping such animals, birds or fowl.

*Alley.* A right-of-way which provides secondary service access for vehicles to the side or rear of abutting property.

*Alterations, structural.* Any change, removal, replacement, reinforcement or addition of beams, ceiling and floor joists, reinforced concrete floor slabs, (except those on fill), load bearing partitions, columns, exterior walls, stairways, roofs, corridors or other structural materials used in a building that support the said beams, ceiling and floor joists, load bearing partitions, columns, exterior walls, stairways, roofs or structural materials used in the building or structure.

*Amusement center.* A building, portion of a building or area outside of a building, where five (5) or more video game machines, pinball machines, pool or billiard tables or other similar

player-operated amusement devices or any combination of five (5) or more such devices are maintained for use by the public. A public billiard parlor or poolroom shall be considered an "amusement center."

*Antenna.* A usually metallic device for radiating or receiving radio waves.

*Apartment.* A dwelling unit occupying a part of a building in which other such dwelling units and/or other uses are also located.

*Attention getting device.* A device placed upon or attached to any land, structure, building or vehicle to promote or advertise the sale of goods, wares, merchandise, events or services. The device includes pennants, banners, banner signs, streamers, vertical flag, teardrop flag, bow flag, banner blade, feather flag, balloons, inflatable devices, and any similar device not specifically mentioned here of any configuration when displayed outside. This includes any animated display.

*Assisted care facility.* An establishment that provides shelter and other services, which may include meals, housekeeping and personal care assistance for elderly residents who are typically functionally impaired and socially isolated, but otherwise in good health and able to maintain a semi-independent lifestyle, not requiring the more intensive care of a nursing home.

*Automobile graveyard.* See "junkyard."

*Automobile service or service station.* Any place of business with or without pumps and underground storage tanks for vehicle fuels, and having as its purpose the servicing, at retail, of motor vehicles, and which may include a general repair shop, paint or body shop, machine shop, vulcanizing shop or any operation requiring the removal or installation of radiator, engine, cylinder head, crankcase, transmission, differential, fenders, doors, bumpers, grills, glass, or other body parts or any body repairing or painting.

*Awning.* A shelter extending from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

*Bed and breakfast.* A use which is subordinate to the principal use of dwelling unit as a single-family unit occupied by the owner; such use shall include providing lodging on a nightly basis for periods of less than two (2) weeks and where not more than one meal daily is provided in connection with the provision of sleeping accommodations. No use shall be so defined which offers food or beverage for compensation to any persons other than transient guests being accommodated therein.

*Block.* That property fronting on one side of a street and lying between two (2) intersecting streets or otherwise limited by a railroad right-of-way, a stream, unsubdivided tract or other physical barrier of such nature as to interrupt the continuity of development.

*Billboard.* See "sign, billboard."

*Board.* The board of zoning appeals for the town.

*Boarding house.* A "rooming house."

*Buildable area.* The area of that part of the lot not included within the yards or open spaces herein required.

*Building.* Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any persons, animals, chattels, equipment, goods, materials or activities of any kind.

*Building, completely enclosed.* Any building having no outside openings other than ordinary doors, windows and ventilators.

*Building/business frontage.* The portion of a building or business where the primary entrance(s) is located.

*Building, height of.* The vertical distance measured from the average of the highest and lowest finished grades immediately adjacent to a building or a structure to the highest point of a flat roof, mansard roof, or to the midpoint of a gable, hip or shed roof, or to the highest point of a structure having no roof. A parapet not exceeding four (4) feet in height may exceed the height limit.

*Building inspector.* An appointed official who is responsible for enforcing the provisions of the uniform statewide building code within the jurisdiction of the town. Also the "building official."

*Building, main.* A building in which is conducted the principal use of the lot on which it is situated. In any residential zone, any dwelling shall be deemed to be a main building on the lot on which the same is located if the lot is used primarily for residential purposes.

*Business apartment.* A business space in the B-1 zoning district arranged in a manner that permits or includes an area on the first floor not to exceed seven hundred (700) square feet used for living space. Regardless of the foregoing, at least fifty (50) percent of the total floor area of the first floor must be devoted to work or sales, and the work or sales space must front on the street. The living area shall be occupied only by the owner or manager of the business.

*Caliper.* The diameter of a tree at the specified distance above ground level. Unless otherwise noted, the caliper shall be measured four and one-half (4 1/2) feet above ground level for existing trees and six (6) inches above ground level for newly planted trees.

*Canopy.* A detachable, roof like cover, supported from the ground, or deck, floor or walls of a building, for protection from sun and weather.

*Carport.* Any space outside a building or contiguous thereto, wholly or partly covered by a roof, and used for the shelter of motor vehicles. An unenclosed carport is a carport with no side enclosure that is more than eighteen (18) inches in height, exclusive of screens (other than the side of the building to which the carport is contiguous).

*Circuit court.* The circuit court for Hanover County.

*Church or place of religious worship.* An institution that people regularly attend to participate in or hold religious services. The term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

*Clinic.* An establishment where human patients who are not lodged overnight are admitted for examination or treatment by physicians, dentists or other professionals licensed by the state board of medicine.

*Club, private.* Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or institutions operated as a business.

*Commercial.* Any wholesale, retail or service business activity established to carry on trade for a profit.

*Commission.* The planning commission of the town.

*Community center.* A building, which may include related outdoor areas, used for recreation, social, educational, and/or cultural activities, owned or operated by a governmental agency, civic association or other not-for-profit entity, when such use serves residents of an adjacent residential community and is not operated for commercial purposes.

*Comprehensive plan.* The comprehensive plan for the town as adopted and as amended.

*Concrete works.* A structure or area used for the manufacture of concrete or concrete products.

*Conditional use.* A use listed as such in this chapter and which may be permitted in a specified district under certain conditions, such conditions to be determined in each case by the terms of this chapter and by the town council, after public hearing and report by the planning commission in accordance with the procedures specified by this chapter.

*Convalescent, nursing homes.* An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

*Convenience stores.* A small retail establishment primarily selling groceries and providing a limited variety of goods or merchandise to the general public for personal or household use.

*Corporate flag.* A flag flown on a flag pole to display only a business name and/or logo with no other advertising thereon.

*Dairy.* A commercial establishment for the manufacture, processing or sale of dairy products.

*Day care center or day nursery.* A facility complying with applicable state licensing requirements and operated for the purpose of providing care, protection and guidance to a group of more than five (5) children separated from their parents or guardians during a portion of the day, not including children of a family residing on the premises.

*Development.* Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

*Development, minor.* Any development involving three (3) or fewer lots and involving a land area of less than two (2) acres and not requiring the extension of any new streets, water and/or sewer lines.

*Development, major.* Any development that is not a minor development.

*District.* A portion of the territory of the town in which certain uniform regulations and requirements of various combinations thereto apply under the provisions of the adopted zoning ordinance.

*Duplex.* A two-family dwelling.

*Dwelling.* Any structure which is designed for residential purposes except hotels, boarding houses, lodging houses, tourist cabins, motels, manufactured homes and campers.

*Dwelling unit.* One or more rooms in a dwelling designed for living or sleeping purposes, and having only one kitchen.

*Dwelling, multifamily.* A structure arranged or designed to be occupied by three (3) or more families, the structure having three (3) or more dwelling units.

*Dwelling, two-family.* A structure arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

*Dwelling, single-family, attached.* A single-family dwelling attached to one other one-family dwelling by a common vertical wall.

*Dwelling, single-family, detached.* A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit and which is not attached to any other dwelling by any means.

*Family.* One or more persons related by blood, marriage or adoption, including foster children and household employees, or not more than three (3) unrelated persons occupying a single-family dwelling, living together as a single nonprofit housekeeping unit.

For purposes of this definition, not more than eight (8) unrelated mentally ill, mentally retarded, or developmentally disabled persons, with one or more resident counselors or other staff persons, occupying a residential facility for which the department of mental health, mental retardation and substance abuse services of the Commonwealth of Virginia is the licensing authority pursuant to the Code of Virginia, shall be considered residential occupancy by a single family. Mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in section 54.1-3401 of the Code of Virginia, 1950, as amended.

The term "family" shall also include not more than eight (8) handicapped persons, as defined by the Federal Fair Housing Act, occupying a single dwelling unit, together with one or more resident counselors or other staff persons.

A family day home as defined in section 63.1-195 of the Code of Virginia, 1950, as amended, and serving not more than five (5) children, exclusive of the provider's own children and any children who reside in the home, shall be considered as residential occupancy by a single family.

The term "family" shall not be construed to include a fraternity, sorority, club or a group of persons occupying a hotel, motel, tourist home, lodging house or institution of any kind, except as specifically included by this definition.

*Farmer's market.* A place where Virginia grown plants, produce and baked goods are sold on a temporary or season basis to the general public. It shall not include wholesale or bulk sales to commercial enterprises or the sale of crafts, household items, or other nonagricultural products.

*Flag.* Emblem or insignia of a nation or other governmental unit, political subdivisions of the United States or of bona fide civic, charitable, fraternal or welfare organizations.

*Flag pole.* A ground or wall-mounted fixed pole to raise a flag on. This does not include an antennae on a stationary car, truck, or vehicle.

*Floodplain.* Continuous sections of land, adjacent to bodies of water, which are subject to periodic flooding and inundation.

*Floor area.* The sum of the gross horizontal areas of the several floors of the building or buildings on a lot, measured from the exterior faces of exterior walls or from the center line of party walls separating two (2) buildings.

*Fraternity/sorority house:* A social or academic association of the students or alumni or alumnae of a college or university usually having a name consisting of Greek letters, recognized by a nationally chartered society and recognized by an accredited institution of higher learning, in Ashland, and recognized by the State Council of Higher Education for Virginia.

*Frontage.* The portion of a lot abutting a street and being situated between the lot lines intersecting the street, also referred to as "lot frontage," or "street frontage." "Frontage" is also the minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the minimum required setback as defined and required herein. See also, "lot, width of."

*Garage, private.* Accessory building designed or used for storage of private automobiles owned and used by the occupants of the building to which it is accessory.

*Garage, public parking.* A building or portion thereof, other than a private garage designed or used for storing of motor vehicles.

*Garden apartment.* A multistory building of three (3) stories or less than one or more separate and individual apartments found in each story.

*Golf course.* A tract of land, publicly or privately owned, on which the game of golf is played, including accessory uses and building customary thereto, but excluding golf driving ranges.

*Governing body.* The town council of the town.

*Grade.* Grade elevation shall be determined by averaging the elevations of the finished ground at the highest and lowest elevations immediately adjacent to the perimeter wall of the building.

*Guest house.* Living quarters within a detached accessory building for use by temporary guests of the occupants of the premises, such quarters having no separate utility meters, and not rented or otherwise used as a separate dwelling.

*Health official.* The legally designated health authority of the state department of health for the town, or his authorized representative.

*Home occupation.* Any occupation, profession, enterprise or similar activity conducted within a dwelling unit which is the residence of the practitioner or within a building accessory to such dwelling unit. In order to qualify as a home occupation, an activity as described herein must be clearly secondary to the principal dwelling use of the premises and must meet all of the standards set forth in article XXV, supplemental regulations, which standards are intended to distinguish such activity from other business uses and to ensure compatibility with nearby residential uses.

*Hospital.* A building or group of buildings, having room facilities for overnight patients, used for providing services for the inpatient medical or surgical care of sick or injured humans, and which may include related facilities, central service facilities and staff offices; provided, however, that such related facility must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

*Hotel, motel, motor court, tourist court or motor lodge.* A building or buildings in which lodging or boarding and lodging are provided for individuals primarily transient and offered to the public for compensation and in which room assignments are made through a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding, rooming or lodging house, or multifamily dwelling which are herein separately defined. A hotel or motel may include restaurants, taverns or club rooms, public banquet halls, ballrooms and meeting rooms.

*Junkyard or automobile graveyard.* The use of any area of land lying within three hundred (300) feet of a state highway or the use of more than fifty (50) square feet of land area in any location for the storage, keeping or abandonment of junk, including scrap metals or other scrap materials. The term "junkyard" shall include the term "automobile graveyard" as defined in Chapter 304, Acts of 1939, Code of Virginia, as any lot or place which is exposed to the weather upon which more than five (5) motor vehicles of any kind, incapable of being operated, are placed.

*Kenel.* Any place, so designed that dogs cannot escape, where five (5) or more dogs, more than four (4) months of age are kept or maintained; or any place, so designed that dogs cannot escape, where any number of dogs over four (4) months in age are kept for the sole purpose of sale, rental, boarding, grooming or breeding for which any fee is charged. A kennel shall not be interpreted to include pet shop, the housing of dogs for purposes of biological research, or an animal shelter.

*Laundromat.* A building or part thereof where clothes or other household articles are washed in self-service machines with a capacity for washing not exceeding twenty (20) pounds dry weight and where such washed clothes and articles may also be dried or ironed and no delivery service is provided in connection therewith.

*Laundry.* A building, or part thereof, other than a laundromat, where clothes and other articles are washed, dried and ironed.

*Limited industry.* Includes warehousing and light manufacturing uses which produce some noise, traffic congestion or danger, but which are of such limited scale or character that they present no serious hazard to neighboring properties from fire, smoke, noise or odors. Examples are lumber yards, warehouses, laboratories, seafood preparation or processing, auto repair shops, bakeries, bottling plants, electronic plants, storage of farm implements, contractors' storage yards, steel or metal fabrication.

*Livestock.* Animals, other than dogs, cats and other household pets, which are kept or raised for use, profit or enjoyment, including cattle, horses, sheep, goats, swine, fowl, rabbits and similar animals.

*Livestock market.* A commercial establishment wherein livestock is collected for sale and auctioned.

*Loading space.* A space within a building or on the premises providing for the standing, loading, or unloading of vehicles.

*Lodge, private.* Those associations and organizations of a fraternal or social character not operated or maintained for profit, but the terms shall not include night clubs or other institutions operated as a business.

*Logo, logogram, or logotype.* An emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

*Lot.* A parcel of land occupied or to be occupied by a main structure or group of main structures and accessory structures, together with such yard, open space, lot width and lot areas as are required by this chapter, either shown on a plat of record or considered as a unit of property and described by metes and bounds.

*Lot, corner.* A lot abutting on two (2) or more streets at their intersection. Of the two (2) sides of a corner lot, the front shall be deemed to be the shorter of the two (2) sides fronting on streets.

*Lot, depth of.* The average horizontal distance between the front and rear lot lines.

*Lot, double frontage.* An interior lot having frontage on two (2) streets.

*Lot, interior.* Any lot other than a corner lot.

*Lot, width of.* The minimum width of a lot measured from one side lot line to the other along a straight line on which no point shall be farther away from the street upon which the lot fronts than the minimum required setback as defined and required herein: see "frontage."

*Lot of record.* A lot, a plat or description of which has been recorded in the clerk's office of the circuit court.

*Lot line, front.* The line separating the lot from a street on which it fronts. On a corner lot, the front shall be deemed to be along the shorter dimension of the lot; and where the dimensions are equal, the front shall be on that street on which predominance of the other lots in the block front.

*Lot line, rear.* The lot line opposite and most distant from the front lot line.

*Lot line, side.* Any lot line other than a front or rear lot line.

*Major thoroughfare.* A street or highway so designated on the major thoroughfare plan of the town.

*Manufacture or manufacturing.* The processing or converting of raw unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.

*Manufactured home.* Any structure complying with the Federal Manufactured Housing Construction and Safety Standards, which is transportable in one or more sections; is eight (8) body feet or more in width and forty (40) body feet or more in length in the traveling mode, or is three hundred twenty (320) or more square feet when erected on a site; is built on a permanent chassis; is designed to be used for dwelling purposes by one family, with or without a permanent foundation, when connected to the required utilities; and which includes the plumbing, heating, air-conditioning, and electrical systems to be utilized in the structure. The term "manufactured home" includes the term "mobile home."

*Manufactured home lot.* Any lot, area or tract of land used or designed to accommodate one manufactured home.

*Marquee.* A roof like structure or awning projecting over an entrance, as to a theater.

*Mini-storage facility.* A building or group of buildings in which wares or goods are stored, usually in separate, enclosed areas rented to individuals. Operation of any business using storage in such a facility is prohibited.

*Mini-warehouse facility.* A building or group of buildings in which wares or goods are stored, usually in separate, enclosed areas rented to individuals or businesses.

*Mural.* A picture on an exterior surface of a structure. A mural is an attached sign only if it is related by language or logo to the advertisement of any product or service or the identification of any business.

*Nonconforming building.* A building or structure having one or more nonconforming features.

*Nonconforming feature.* A feature of a use, as distinguished from the use itself, or a feature of a building, which feature was lawfully existing at the effective date of this chapter or subsequent amendment thereto, and does not conform with the requirements established by this chapter or an amendment thereto. Features of uses or buildings shall be construed to include density, lot area, lot dimensions, yards, setbacks, open spaces, height, bulk, number of occupants, screening, landscaping, lighting, off-street parking, and similar requirements. A building having any such nonconforming feature may be referred to as a nonconforming building.

*Nonconforming lot.* A lot of record which was lawfully existing at the effective date of this chapter or subsequent amendment thereto, and which lot does not meet the lot area, lot width or other dimensional requirement of this chapter or an amendment thereto.

*Nonconforming use.* A principal or accessory use of land or of a building or structure, which use was lawfully existing at the effective date of this chapter or subsequent amendment thereto and is not a permitted use under the provisions of this chapter or an amendment thereto.

*Nursing home, convalescent home, rest home.* A place devoted primarily to the maintenance and operation of facilities for the treatment and care of any person suffering from illnesses, diseases, deformities or injuries, not requiring extensive or intensive care that is normally provided in a general hospital or other specialized hospital.

*Open space.* Any parcel or area of land or water essentially unimproved and set aside, dedicated, designed or reserved for public or private use or enjoyment, or for the use and enjoyment of owner and occupants of land adjoining or neighboring such open space. This area of land is to be unoccupied by habitable buildings, streets or parking lots.

*Open space, common.* Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

*Open space, required.* Any space required in any front, side or rear yard.

*Parking lot.* An open, unoccupied space used or required for use for parking of automobiles or other private vehicles exclusively and in which no gas or automobile accessories are sold or no other business is conducted and no fees are charged.

*Parking space, off-street.* An all-weather surfaced area not within a public street or alley right-of-way and having not less [area] than specified by this chapter, exclusive of driveways, and permanently reserved for the temporary parking of one vehicle, and connected with a street or alley by a surfaced driveway which affords ingress and egress for a vehicle without requiring another vehicle to be moved.

*Party wall.* A separating barrier common of two (2) or more adjacent dwellings consisting of a masonry wall. Projection above the roof line may be eliminated.

*Personal services establishments.* A business primarily engaged in providing services involving the care of a person or his or her apparel including, but not limited to, laundry, diaper service, beauty shops, barber shops, shoe repair, funeral services, etc.

*Philanthropic.* Such institutions that dispense or receive aid from funds set aside for humanitarian purposes. (Red Cross, Christian Aid.)

*Porch.* The term "porch" shall include any porch, veranda, gallery, terrace or similar projection for a main wall of a building and covered by a roof, other than a carport as defined in this section. An "unenclosed porch" is a porch with no side enclosure (other than the side of the building to which the porch is attached) that is more than eighteen (18) inches in height, exclusive of screens.

*Premises.* A lot, together with all buildings and structures thereon.

*Public access easement.* Any area through which ingress and egress is not restricted or limited to any individual occupant of the development or guest.

*Public building.* A building, or part thereof, owned or leased and occupied and used by an agency or political subdivision of the United States of America, the commonwealth, the county or the town.

*Public water and sewer systems.* The water or sewer system owned and operated by the town or other unit of government authorized by state law.

*Recreational equipment, major.* Travel trailers, pickup campers, motorized trailers, motor homes, recreational vehicles, houseboats, boats, other water craft, boat and water craft trailers and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

*Regulations.* The whole body of regulations, text, charts, tables, diagrams, maps, notations, references and symbols, contained or referred to in this chapter.

*Residential district.* A RR-1, R-1, R-2, R-3, R-4 or R-5 district established by this chapter.

*Restaurant.* Any building in which, for compensation, food or beverages are dispensed for consumption on or off the premises.

*Restaurant, drive-in.* Any structure or establishment merchandising or dispensing food, beverage, or refreshments at which the customer is served either: (a) while sitting in a motor vehicle in a parking space; or (b) at an interior or exterior sales window, counter or service area, and at which the food, beverage or refreshments are sold for consumption either inside the said structure or in motor vehicles on the premises.

*Restaurant, fast food.* Any structure or establishment merchandising or dispensing food, beverage, or refreshments at which the customer is served at an interior or exterior sales window, counter or service area and at which the food, beverage or refreshments are sold for consumption either inside the said structure or in motor vehicles on the premises.

*Rest home, convalescent home, nursing home.* Any place containing beds for two (2) or more patients, established to render domiciliary care for chronic or convalescent patients, but not including child care homes or facilities for the care of feebleminded, mental, epileptic, alcoholic patients or drug addicts.

*Retail stores and shops.* Buildings for display and sale of merchandise at retail or for the rendering of personal services (but specifically exclusive of coal, wood and lumber yards).

*Rooming house.* A dwelling in which, for compensation, lodging is furnished [to] four (4) or more, but not more than fourteen (14) persons. A "boarding house."

*Satellite television antenna.* An apparatus capable of receiving communications from a transmitter or a transmitter relay located in planetary orbit.

*Sawmill.* A sawmill located on public or private property for the process of timber.

*Setback.* The minimum distance by which any building, structure or designated activity or use must be separated from the front lot line. Also referred to as "front yard."

*Servants' quarters.* Living quarters within a portion of a main building or in an accessory building located on the same lot within the main building used for servants employed on the premises and not rented or otherwise used as a separate dwelling.

*Scrolling displays.* The movement of a static message or display on an electronic changeable copy sign.

*Shielded light source.* Shall have the meaning associated with the nature of the light source, as follows:

(a) For an artificial light source directing light upon a sign, shielded light source shall mean a light source diffused or directed so as to eliminate glare and housed to prevent damage or danger.

(b) For light source located within a sign, shielded light source shall mean a light source shielded with a translucent material of sufficient opacity to prevent the visibility of the light source.

*Shopping center.* A group of three (3) or more retail stores, shops and other commercial establishments with a single overall architectural style which is planned, constructed and managed as a total entity with shared access, parking and other common areas.

~~*Sign.* A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof, including borders and trim which form an integral part of the display and which differentiate the sign from the structure against which it is placed, displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product or any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale.~~

*Sign.* A presentation of letters, numbers, figures, pictures, emblems, insignia, lines or colors, or any combination thereof, including borders and trim which form an integral part of the display and which differentiate the sign from the structure against which it is placed, displayed for the purpose of information, direction or identification or to advertise or promote a business, service, activity, interest or product. Displays, graphics, artwork, or any otherwise lawful noncommercial message that is not for the purpose of directing attention to a business operated for profit or to a commodity or service for sale shall not be considered signs.

*Sign, abandoned.* Any sign which:

(a) For at least six continuous months, does not identify or advertise a bona fide business, leaser, service, owner, product or activity on the premises on which the sign is located; or

(b) If the premises is leased, relates to a tenant and at least two (2) years have elapsed since the date the most recent tenant ceased to operate on the premises; or

(c) No legal owner can be found and relates to a use or purpose that is no longer in existence.

*Sign alteration.* Any change in size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration. A change in corporate logo is not considered an alteration.

*Sign, animated.* A sign or display which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

~~—*Sign, attached.* A sign which is painted on or attached flat against a wall, window or other vertical surface of a building or other structure, including the face of a porte-cochere, permanently covered walkway or porch, and which sign extends no more than one (1) foot from the surface to which it is attached and does not extend beyond the extremities of such surface. Signs attached to the lower plane of a mansard or gambrel roof of a building or other structure shall be construed as attached signs, provided that such signs are attached flat to the roof surface or are parallel to the building or structure wall above which they are located, and do not extend beyond the extremities of the roof surface.~~

*Sign, attached.* A sign which is painted on or attached flat against a wall or other vertical surface of a building or other structure, including the face of a permanently covered walkway or porch, and which sign extends no more than one (1) foot from the surface to which it is attached and does not extend beyond the extremities of such surface. Signs attached to the lower plane of a mansard or gambrel roof of a building or other structure shall be construed as attached signs, provided that such signs are attached flat to the roof surface or are parallel to the building or structure wall above which they are located, and do not extend beyond the extremities of the roof surface. The total area of attached signs located on a lot

shall not exceed one and one-half (1½) square feet of sign area for each linear foot of main building/business frontage and such signs may be located on the main building or other structure on the lot. On a corner lot, the permitted sign area shall apply to each street frontage.

*Sign, awning.* A sign that is painted or otherwise applied on or attached to an awning, or other fabric, plastic, or structural protective cover over a door, entrance, or window of a building.

*Sign, banner.* See "sign, temporary".

*Sign, billboard.* A sign used as an outdoor display for the purpose of advertising or promoting a business, service, activity, interest or product which is not located, offered for sale or otherwise related to the use of the premises on which such sign is situated.

*Sign, business.* A sign which directs attention to a profession or business conducted or to a commodity, service activity or entertainment sold or offered upon the premises where the sign is located, or on the building to which the sign is affixed.

*Sign, changeable copy.* A freestanding sign or portion thereof which has a readerboard for the display of text information in which each alphanumeric character, graphic or symbol is defined by objects, not consisting of an illumination device and may be changed or re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

*Sign, changeable copy, electronic.* A monument sign or portion thereof that displays electronic, non-pictorial, text information in which each alphanumeric character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays. Electronic changeable copy signs do not include official or time and temperature signs or fuel price display signs. Electronic changeable copy signs include projected images or messages with these characteristics onto buildings or other objects. The total area of the electronic changeable copy area for such signs shall not exceed 40% of the total area of the sign area permitted for that site.

~~*Sign, directional.* A freestanding sign indicating the direction to which attention is called, and including the name and approximate location of the person or firm responsible for its erection.~~

*Sign, directional.* A freestanding sign indicating the direction to which attention is called, and including the name and approximate location of the person or firm responsible for its erection. Directional signs shall not exceed four (4) square feet in area or five (5) feet in height, and shall not be located within ten (10) feet of any street line or other property line.

*Sign, directory.* A sign attached to a building that lists the names, uses, or locations of the businesses or activities conducted within a building or group of buildings of a development.

*Sign, double-faced.* A sign with two faces either parallel to each other and located not more than twenty-four (24) inches from each other or being a V-shaped sign.

*Sign, electronic graphic display.* A monument sign or portion thereof that displays electronic, static images, static graphics or static pictures, with or without text information, defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, light bulbs or other illumination devices within the display area where the message change sequence is accomplished immediately or by means of fade, repixelization or dissolve modes. Electronic graphic display signs include computer programmable, microprocessor controlled electronic or digital displays. Electronic graphic display signs include projected images or messages with these characteristics onto buildings or other objects. The total area of the electronic message display area for such signs shall not exceed 40% of the total area of the sign area permitted for that site.

*Sign face.* The area of display surface used for the message.

*Sign, flashing.* A sign of which any portion changes in light intensity, switches on and off in a constant pattern, or contains moving parts or the optical illusion of motion caused by use of electrical energy or illumination. Signs which display time, temperature, or date, and electronically controlled message centers shall not be considered a flashing sign.

~~*Sign, freestanding.* A sign not attached to a building and supported by uprights, brackets, poles, posts, foundation or similar features which are anchored within the ground.~~

*Sign, freestanding.* A sign not attached to a building and supported by uprights, brackets, poles, posts, foundation or similar features which are anchored within the ground. No freestanding sign shall be located within ten (10) feet of any property line. In locating freestanding signs within setbacks, consideration of the location and character of street trees, landscaping features, utility lines, driveways and other features shall be afforded in accordance with guidelines contained in the Development Guidelines Handbook.

~~*Sign, fuel pump.* A sign placed directly on, or attached to a fuel pump.~~

*Sign, fuel pump.* A sign placed directly on, or attached to a fuel pump. Fuel pump signs shall not exceed two (2) square feet in area on each face of a fuel pump.

~~*Sign, gas station canopy.* A structure, preferably pitched in nature that provides shelter to those utilizing the pumps that are directly below it.~~

*Sign, gas station canopy.* A sign attached to the fascia of a gas station canopy.

*Sign, height.* The vertical distance from the street grade or the average lot grade at the front setback line, whichever is greater, to the highest point of the sign.

~~—Sign, home occupation. A sign not exceeding the two (2) square feet in area attached to a building and identifying a home occupation located within such building.~~

*Sign, home occupation.* A sign not exceeding the two (2) square feet in area attached to a building and identifying a home occupation located within such building.

*Sign, illegal.* Any sign placed without proper approval or permits as required by this Code at the time of sign placement. Illegal sign shall also mean any sign placed contrary to the terms or time limits of any permit.

*Sign, illuminated.* A sign, or any part of a sign, which is externally or internally illuminated or otherwise lighted from a source specifically intended for the purpose of such illumination or lighting.

*Sign, inflatable.* Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

*Sign, marquee.* Any sign painted on or attached to or supported by a marquee. Marquee signs shall only be permitted for theaters and live production venues.

~~—Sign, mounted type. A freestanding sign, limited to no more than the permitted height, with a supporting structure that forms an integral part of the sign displayed thereon.~~

*Sign, mounted type.* A freestanding sign, limited to no more than the permitted height, with a supporting structure that forms an integral part of the sign displayed thereon.

*Sign, monument.* A detached sign that is either:

(a) A solid structure made of brick, stone, concrete or similar durable type of material;  
or

(b) Constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable type of material, with no separation between the sign and the base.

*Sign, multi-vision.* Any sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single sign structure the display at any given time one of two or more images.

*Sign, neighborhood.* A monument sign erected at the entrance of a residential, commercial, or industrial development that identifies the development. One (1) neighborhood sign may be located at each street entrance to a residential neighborhood, provided that a total of not more than two (2) such signs shall be erected for a neighborhood, and provided further that each such signs shall not exceed thirty-two (32) square feet in area or six (6) feet in height, and shall not be located within five (5) feet of any street line or other property line.

*Sign, nonconforming.* A sign lawfully erected and maintained prior to the adopting of this article that does not conform with the requirements of this article.

*Sign, off-premise.* A sign that directs attention to a business, product, service or establishment, conducted, sold or offered at a location other than the premises on which the sign is erected.

*Sign, on-premise.* Any sign identifying or advertising a business, person, property, activity, goods, products, or services, located on the premises where the sign is installed and maintained.

*Sign, pennant.* A sign, with or without a logo, made of flexible materials suspended from one or two corners, used in combination with other such signs to create the impression of a line, such as streamers.

*Sign, political.* Any sign designed for the purpose of supporting or opposing a candidate, proposition or other measure at an election. See temporary sign.

~~*Sign, portable.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels, signs converted to "A" or "T" frames; menu and sandwich board signs; balloons; umbrellas; used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used in the normal day-to-day operations of the business and is currently licensed by the State of Virginia with a valid inspection decal displayed.~~

*Sign, portable.* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to: signs designed to be transported by means of wheels, balloons; umbrellas used as signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless such vehicle is used/moved in the normal day-to-day operations of the business and is currently licensed by the State of Virginia with a valid inspection decal displayed.

~~*Sign, projecting.* A sign or marquee that is attached to and projects more than one (1) foot from the face of a wall, facade or porch of a structure so that the face of the sign is perpendicular or nearly perpendicular to such wall, facade or porch, except when on an awning or marquee.~~

*Sign, projecting.* A sign or marquee that is attached to and projects more than one (1) foot from the face of a wall, facade or porch of a structure so that the face of the sign is perpendicular or nearly perpendicular to such wall, facade or porch, except when on an awning or marquee. Projecting signs shall have a minimum under-clearance of eight (8) feet and shall not project from the building greater than ten (10) feet or more than two (2) feet less than the width of any sidewalk over which such sign projects.

*Sign, roof.* A sign that is mounted on the roof of a building, or roof mounted equipment structure, which extends above the top edge of the wall of a flat-roofed building; above the

eave line of a building with a hip, or gable roof; or above the deck line of a building with a mansard roof. Any sign attached to the lower plane of a gambrel or mansard roof shall be considered an attached sign as permitted within this article.

~~—*Sign, shared.* A freestanding sign that displays the name and/or use of two (2) or more uses or structures located on the same lot or on abutting lots. Such sign shall not be considered a billboard sign as defined herein.~~

*Sign, shared.* A freestanding sign that displays the name and/or use of two (2) or more uses or structures located on the same lot or on abutting lots. Two (2) or more abutting properties utilizing a common driveway are permitted one (1) such sign when a shared/common entrance between the abutting parcels exists. The height of such sign shall not exceed eighteen (18) feet; and the area of such sign shall not exceed one hundred twenty (120) square feet. When a shared sign is utilized, no other freestanding sign shall be permitted on either parcel. Such sign shall not be considered a billboard sign as defined herein.

~~—*Sign, temporary.* A sign applying to seasonal or other brief activity, including but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:~~

- ~~—(1) Political campaign signs announcing candidates seeking public political office or other data pertinent thereto;~~
- ~~—(2) Construction signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owners, contractor, architect, landscape architect or engineer;~~
- ~~—(3) Real estate signs pertaining to the offering for sale or lease of the land or structures on the land on which such sign is placed;~~
- ~~—(4) Yard sale signs announcing to the public the location of a temporary sale of various items of merchandise at a residence.~~

*Sign, temporary.* A sign applying to seasonal or other brief activity. Temporary signs shall be located on private property. Real properties are not permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period unless otherwise specified in this chapter. Specific types of temporary signs include but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:

(a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of four (4) square feet for each lot in a residential district. Only one campaign sign will be allowed per candidate on a residential lot. Political campaign signs shall be permitted up to a total area of thirty-two (32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. All signs must be located a minimum of ten (10) feet from the property line. Political campaign signs are excluded from the temporary sign regulation of real properties not being permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period.

(b) *Construction signs.* Signs erected and maintained on the site of a structure during the period of construction to announce only the nature of the structure and/or the name or names of the owners, contractor, architect, landscape architect or engineer. There shall be permitted only one such sign upon each site, and it shall not exceed the area of thirty-two (32) square feet. It shall not be illuminated and shall be set back not less than ten (10) feet from the property line. These signs shall be removed upon the issuance of the certificate of occupancy.

(c) *Real estate signs.* Signs pertaining only to the offering for sale or lease of the land or structures on the land upon which the sign is placed. There shall be permitted only one sign upon any lot of less than ten (10) acres. For a lot in excess of ten (10) acres, there shall be permitted two (2) such signs. In all residential zones, the area of each such sign shall not exceed four (4) square feet. In all business and industrial zones, the area of such signs shall not exceed thirty-two (32) square feet each. In all zones, such signs shall not be illuminated and shall be set back at least ten (10) feet from the property line.

(d) *Yard sale signs.* Signs announcing to the public the location of a temporary sale of various items of merchandise at a residence. Such signs may be displayed three (3) days prior to such sale and must be removed within three (3) days following the sale. Such signs may only be placed on the property where the yard sale is to take place. No permit is required for such a sign.

(e) *Auction signs.* A sign, not illuminated, advertising an auction to be conducted on the lot or premises upon which it is situated, such signs shall not exceed 20 square feet in area and may be erected not more than one (1) month before the date of the auction advertised and shall be removed within forty-eight (48) hours of its conclusion. No more than one such sign per site per calendar year.

(f) *Banner signs.* A temporary sign, not exceeding 20 square feet, made of fabric or other flexible material, suspended from a fixed structure, rope, wire, string, or cable. Banner signs are for the advertising of a special event, product, or group. Banner signs are not to be displayed for a period of more than thirty (30) days per calendar year. New businesses may be granted an additional thirty (30) days within the same calendar year.

(1) In all Residential Zones, temporary banners are not permitted on sites with houses, duplexes, and attached houses. *Exception:* banners for holidays, religious commemoration, and special family events.

(2) In the, Central Business District B-1, Highway Commercial B-2, Neighborhood Commercial B-4, Limited Industrial M-1, Planned Shopping Center PSC, Planned Office-Business POB zones, one banner no larger than twenty (20) square feet in size is permitted per property or, on a multi-use property, per storefront. Only one (1) of these banners may be hung on each building wall or on each separate structure.

i. In no case may a site or storefront have more than two (2) temporary banners.

- ii. In no case shall a temporary banner be larger than twenty (20) square feet in size.
- iii. A temporary banner may be displayed no longer than thirty (30) days per calendar year with the exception of an additional thirty (30) days for a new business.
- iv. Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.

~~—*Sign, traffic control.* A sign not exceeding twelve (12) square feet in area, containing no advertising matter, and indicating the direction that traffic on the premises is to be routed including but not limited to entrance and exit signs.~~

*Sign, traffic control.* A freestanding or attached sign not exceeding four (4) square feet in area, containing no advertising matter, and indicating the direction that traffic on the premises is to be routed including but not limited to entrance and exit signs.

*Sign, unsafe.* Signs deemed unsafe to the public safety, health and welfare by the administrator, for whatever reason, are prohibited in all districts. Such signs shall be removed or modified immediately.

*Sign, video display.* A sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs. Video display signs include projected images or messages with these characteristics onto buildings or other objects.

~~—*Sign, walkway.* A sign attached to a ceiling or walkway covering outside the main entrance to a business in a shopping center, and containing the name of the business.~~

*Sign, window.* A permanent or temporary sign affixed to the interior or exterior of a window or door, or within one (1) foot of the interior of the window or door, visible primarily from the outside of the building; provided that the display of goods available for purchase on the premises is not a window sign. Such signs shall not exceed 40% of the total area of the window or door on which it is located. Window signs of a temporary material, such as paper, cloth or plastic, are allowed provided the regulations set forth for temporary signs are followed.

~~—*Sign, A-frame.* A unique, freestanding sign that resembles the letter "A." It must be of professional quality and should meet all rules and regulations as specified in the Development Guidelines Handbook and the zoning ordinance, including having a sign permit approved by the town. It must be constructed of acceptable materials as approved by the zoning administrator. All A-frame signs must have the business name permanently affixed. A-frame signs may also contain a chalkboard or marker board.~~

*Sign, a-frame.* A temporary and/or moveable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position. The sign must be constructed of durable materials. No A-frame sign shall be permitted to exceed two (2) feet in width and three (3) feet in height. Each side must be at least one (1) inch in thickness. It shall be located on the sidewalk or on the primary pedestrian path and cannot be placed more than four (4) feet from the entrance of the business it is advertising. In instances where the business entrance does not front the public street it may be located not more than four (4) feet from the edge of the main building. All such signs that encroach onto the public right-of-way must receive encroachment authorization issued in writing by the town manager. Such authorization shall specify the size and design, content, and exact location of the A-frame sign and the period of time for which such sign is authorized to be placed within the sidewalk area. A-frame signs may be placed on sidewalks that have a minimum width of sixty (60) inches or five (5) feet and then the sign must be placed to allow a minimum of thirty-six (36) inches of space for an individual in a wheelchair to pass.

*Site plan.* A drawing illustrating a proposed development and prepared in accordance with the specifications of article XVII.

*Special exception.* A use or feature listed as such in this chapter and which may be permitted in a specified district, or in any district if so specified, under certain conditions, such conditions to be determined in each case by the terms of this chapter and by the board of zoning appeals after public hearing in accordance with the procedures specified by article XXI of this chapter and applicable state law.

*Special interest house.* A house that is designed specifically for students at Randolph-Macon College that have successfully applied for the college's special interest housing program. It is only applicable to Randolph-Macon College students who are in good standing and who are not freshmen. A faculty advisor, along with staff from the college's residence life program must guide and supervise each special interest house.

*Specified anatomical areas.*

- (1) Less than completely and opaquely covered:
  - a. Human genitals, pubic region;
  - b. Buttock; and
  - c. Female breast below a point immediately above the top of the areola; and
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

*Stable, private.* An accessory building, not related to the ordinary operation of a farm, for the housing of horses or mules owned by a person or persons living on the premises and which horses, donkeys, ponies or mules are not for hire or sale.

*Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

*Story, half.* A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds of the floor area is finished for use.

*Street or road.* A public thoroughfare.

*Street, centerline.* The centerline of a street shall mean the centerline thereof as shown in any of the official records of the county or any municipality therein, or as established by the state department of highways and transportation. If no such centerline has been established, the centerline of a street shall be a line lying midway between the sidelines of the right-of-way.

*Street line.* The dividing line between a street or road right-of-way and the contiguous property.

*Structure.* Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, except utility poles.

*Swimming pool.* Any portable pool or permanent structure containing a body of water eighteen (18) inches or more in depth and two hundred fifty (250) square feet or more of water surface area, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard to be used for swimming or wading.

*Temporary use.* A use of land or a use of a building or structure for a seasonal purpose subordinate to the principal use of the lot of which is located. Season purposes may include but are not limited to Christmas tree sales, pumpkin sales, ornamental flowers, [and] ice cream stands.

*Tourist home.* A dwelling where only lodging is provided for compensation for up to fourteen (14) persons (in contrast to hotels and boarding houses) and open to transients.

*Tower.* A structure higher than its diameter, that may be fully walled in or of skeleton framework and is high relative to its surroundings.

*Townhouse.* A single-family dwelling unit being one of a group of not less than three (3) or more than ten (10) units, with such units attached to the adjacent dwelling or dwellings by party walls with lots, utilities and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

*Travel trailer.* A vehicular, portable structure designed in accordance with the U.S.A. Standards for Travel Trailers (A119.2) currently in use, or as may be amended by the U.S.A. Committee on Mobile Homes and Travel Trailers. Its primary function shall be the provision of temporary dwelling or sleeping quarters during travel, recreation or vacation uses. Its design and type shall be clearly identified by the manufacturer, by a visible identifiable seal or plate of permanent nature, as a travel trailer. Its specification for transporting over the streets and highways shall be in accordance with the Code of Virginia, Title 46.1. No travel trailer shall be used for other temporary dwelling or sleeping quarters to exceed thirty (30) days.

*Tree.* A woody perennial plant having a single, usually elongated, main stem generally with few or no branches on its lower part.

*Truckstop.* An area, usually on or near a major thoroughfare, which has been designed for and is being used for the fueling, servicing or parking of tractor-trailers or other trucks. These areas may be equipped with facilities to supply maintenance for these trucks, and may include motels and restaurants. For the purpose of this chapter, any area having more than two (2) pumps for diesel fuel shall be deemed to be a truckstop.

*Truck terminal.* A building or area on which semi-trailers, including tractors or trailer units or other trucks, are parked or serviced, and where freight brought in by truck is assembled or stored for routing and reshipment.

*Usable satellite signals.* Satellite signals, from the major communications satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

*Variance.* A variance is a relaxation of the terms of this chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment of expansion of use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or adjoining zoning district.

*Veterinary clinic.* A facility rendering surgical and medical treatment to animals but having overnight accommodations for no more than four (4) small animals. For the purpose of this chapter, small animals shall be deemed to be ordinary household pets, excluding horses, donkeys or other such animals not normally housed or cared for entirely within the confines of a residence.

*Veterinary hospital.* A facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for such animals. Crematory facilities shall not be allowed in a veterinary hospital. For the purpose of this chapter, where a veterinary hospital is permitted, a veterinary clinic shall also be permitted.

*Waterway.* Any body of water, including any creek, canal, river, lake or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot.

*Waterway line.* A line marking the normal division between land and a waterway as established by the administrator or this Code.

*Wholesale business.* Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

*Yards.* An open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by structures except as otherwise provided herein.

*Yard, front.* An open space on the same lot as a building between the front line of the building (excluding steps) and the front lot or street line, and extending across the full width of the lot.

*Yard, rear.* An open, unoccupied space on the same lot as a building between the rear line of the building (excluding steps) and the rear line of the lot and extending the full width of the lot.

*Yard, side.* An open, unoccupied space on the same lot as a building between the side line of the building (excluding the steps) and the side line of the lot and extending from the front yard to the rear yard line.

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

*Zoning administrator; or administrator.* The person designated to administer and enforce the provisions of this chapter.

(10-8-85, § 1; 9-22-87, § 2; 10-27-87, § 1; 6-28-88, § 1; 7-27-93, § 1; 12-13-94, § 1; 7-23-96, § 1; 1-28-97, § 1; 5-27-97(2), § 1; 3-24-98, § 1; 6-23-98(2), § 1; 12-15-98, § 1; 4-27-99, § 1; 4-27-99(2), § 1; 2-22-00, § 1; 10-16-02; 11-12-02; 6-10-03; 2-17-04; 10-19-04(1); 12-21-04(2); 10-6-09; 10-6-09)

**State Law References:** Definitions relating to planning, Code of Virginia, § 15.1-430.

(10-8-85, § 1; 9-22-87, § 2; 10-27-87, § 1; 6-28-88, § 1; 7-27-93, § 1; 12-13-94, § 1; 7-23-96, § 1; 1-28-97, § 1; 5-27-97(2), § 1; 3-24-98, § 1; 6-23-98(2), § 1; 12-15-98, § 1; 4-27-99, § 1; 4-27-99(2), § 1; 2-22-00, § 1; 10-16-02; 11-12-02; 6-10-03; 2-17-04; 10-19-04(1); 12-21-04(2); 10-6-09; 10-6-09)

**NOW THEREFORE BE IT ORDAINED** by the Council of the Town of Ashland, Virginia that Section 21-207.1 “General Provisions” shall be amended to read, as follows:

Black: Existing regulations

~~Black:~~ Existing regulations deleted

Red: New language proposed

Chapter 21. Article XX Signs.

Sec. 21-207.1. General Provisions.

*Sign, temporary.* A sign applying to seasonal or other brief activity. Temporary signs shall be located on private property. Real properties are not permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period unless otherwise specified in this chapter. Specific types of temporary signs include but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:

(a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of four (4) square feet for each lot in a residential district. Only one campaign sign will be allowed per candidate on a residential lot. Political campaign signs shall be permitted up to a total area of thirty-two (32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. ~~Political campaign signs may be displayed thirty (30) days prior to and seven (7) days after the election for which intended. All political campaign signs must be removed within seven (7) days after the election.~~ All signs must be located a minimum of ten (10) feet from the

property line. Political campaign signs are excluded from the temporary sign regulation of real properties not being permitted a temporary sign for more than thirty (30) days during a twelve (12)-month period.

(5-12-81; 8-10-82; 9-14-82; 3-8-83, § 1; 6-10-86; 6-22-93, § 1; 1-23-96, § 1; 3-14-00, § 1; 2-17-04; 6-19-12)

**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:

Advertised:

2013

Planning Commission:

Herald Progress: October 24, 2013 and October 31,

Town Council:

Herald Progress:

Public Hearing:

Planning Commission: November 13, 2013

Town Council:

Adopted:

Effective:



# Town of Ashland

*Center of the Universe*

## STAFF REPORT

**To:** Planning Commission, Town of Ashland, Virginia  
**From:** Garet Prior, Planner II  
**Date:** November 13, 2013  
**Case Type:** Major Subdivision  
**Case No.:** SUB13-0919 - Preliminary plat  
**Case Name:** Virginia Street/English Subdivision  
**Location:** Approximately 100 feet southeast of the intersection of Virginia Street and Arlington Street, on the east side of Virginia Street.  
**GPIN(s):** 7779-79-6739, 7779-79-6844, 7779-79-6859, 7779-79-6964

### REQUEST:

The applicant is requesting preliminary plat approval to vacate all existing property lines to create a single lot on 0.521 acres of GPIN's 7779-79-6739, 7779-79-6844, 7779-79-6859, and 7779-79-6964.

The applicant is also requesting an exception to the requirement of to construct sidewalks, curb and gutter along Virginia Street for this subdivision per Sec. 17-49.2 and Sec. 21-242 of the Town Code.

### RECOMMENDATION:

Staff is recommending approval of the preliminary plat for SUB12-0912, pending an approval letter from Hanover County Department of Public Utilities is received by the November 13<sup>th</sup> Planning Commission meeting. The preliminary plat currently has one outstanding comment to add a 10' water and sanitary sewer easement along the lot frontage on Virginia Street.

Staff recommends approval of granting an exception to the sidewalks, curb and gutter requirements along Virginia Street.

### MOTION:

**Approve** – I move to recommend approval of the preliminary plat for SUB12-0921.

**Deny** – I move to recommend denial of the preliminary plat for SUB12-0921.

**Defer** – I move to defer action on the preliminary plat for SUB12-0921 until the December 11<sup>th</sup> Planning Commission meeting.

**MOTION:**

**Approve** – I move to recommend approval of granting an exception to the requirement of sidewalks, curb and gutter for this subdivision.

**Deny** – I move to recommend denial of granting an exception to the requirement of sidewalks, curb and gutter for this subdivision.

**Defer** – I move to defer action on the exception to the requirement of sidewalks, curb and gutter for this subdivision until the December 11<sup>th</sup> Planning Commission meeting.

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**BACKGROUND:**

|                                 |  |
|---------------------------------|--|
| Application Submission Date     | September 24, 2013   |
| Existing Zoning                 | R-2, Residential Limited   |
| Location                        | Approximately 100 feet southeast of the intersection of Virginia Street and Arlington Street, on the east side of Virginia Street.   |
| Size                            | Approximately 0.521 acres  |
| Existing Land Use               | Vacant   |
| Surrounding Land Use and Zoning | <i>North:</i> Residential; R-2 – Single Family Home<br><i>South:</i> Residential; R-2 – Vacant<br><i>East:</i> Residential; R-2 – Single Family Home<br><i>West:</i> Residential; R-2 – Single Family Home |
| Comprehensive Plan              | The Comprehensive Plan designates this property as appropriate for single family medium residential.   |

The applicant is proposing to vacate all existing property lines to consolidate four (4) lots into a single (1) lot consisting of 0.495 acres to construct a single family home. The property is zoned R-2, Residential Limited and is classified in the future land use plan as single family medium residential.

The application had originally been for a consolidation of four (4) lots to two (2), but was amended by the applicant in the resubmission received by staff on October 23, 2013, to include only one (1) proposed lot.

### Aerial Map

-  Site Location
-  Parcel Boundary



### Zoning

-  R-2, Residential Limited
-  Site Location
-  Parcel Boundary



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**CONSIDERATIONS:****Process**

The proposed subdivision is considered a Major Subdivision due to the extension of public utilities to serve this property. This process requires approval of a preliminary plat prior to the recordation of a final plat. The preliminary plat must show all existing and proposed boundaries, utility easements, drainage systems, and streets. The purpose of the preliminary plat is to identify, at the subdivision stage, any site development issues that may arise related to zoning, environmental concerns, adequate utilities, site access, or other rules, regulations or policies of the Town.

**Analysis – Major Subdivision**

The proposed subdivision for lot 1 meets all of the area and yard requirements of an R-2 zoning district, which requires a minimum lot size of 10,000 square feet (0.23 acres). The lot proposed for this subdivision is 0.495 acres.

The minimum frontage requirement is 75 feet; this lot provides approximately 190 feet of frontage. The building setback requirements for the rear yard of 25 feet, side yard of 15 feet, and front setback of 30 feet will be enforced at the time of granting a building permit.

**Analysis – Sidewalk, Curb & Gutter Exception**

As an R-2 subdivision, sidewalks and curb and gutter are required along Virginia Street for this subdivision per Sec. 17-49.2 of the Town Code. However, the applicant has requested an exception to the requirements curb and gutter in accordance with Sec. 17-5 and sidewalks per Sec. 21-242 of the Town Code.

*Sidewalk Exception*

Exceptions to the requirement of sidewalks may be granted according to 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
- 3) The director of public works deems the requirement for sidewalk, curb and gutter is inappropriate based on clear engineering considerations.

The request for an exception along Virginia Street appears to meet all of the requirements of Sec. 17-49.2 as:

- (1) Virginia Street is not included on the sidewalk priority area map of the comprehensive plan;
- (2) Virginia Street is not a major thoroughfare and is classified as a local street; and
- (3) Both the Planning Department and Public Works Department agree that requiring sidewalks on this portion of Virginia Street is inappropriate in that sidewalks are already provided along the western side of the street, thus pedestrian access along this street can be accommodated through the existing infrastructure.

Additionally, the adjacent properties to this lot along the eastern side of Virginia Street do not currently have sidewalks and there are no future Town plans to extend sidewalks along this side.

*Curb and Gutter Exception*

Section 21-242 of the Town Code requires that curb and gutter shall be required along the right-of-way of the main road. This requirement may be waived by the Town Manager due to technical or engineering considerations.

The technical or engineering considerations described above in granting the exception to the requirement for sidewalks also applies to this exception for the requirement of curb and gutter along Virginia Street.

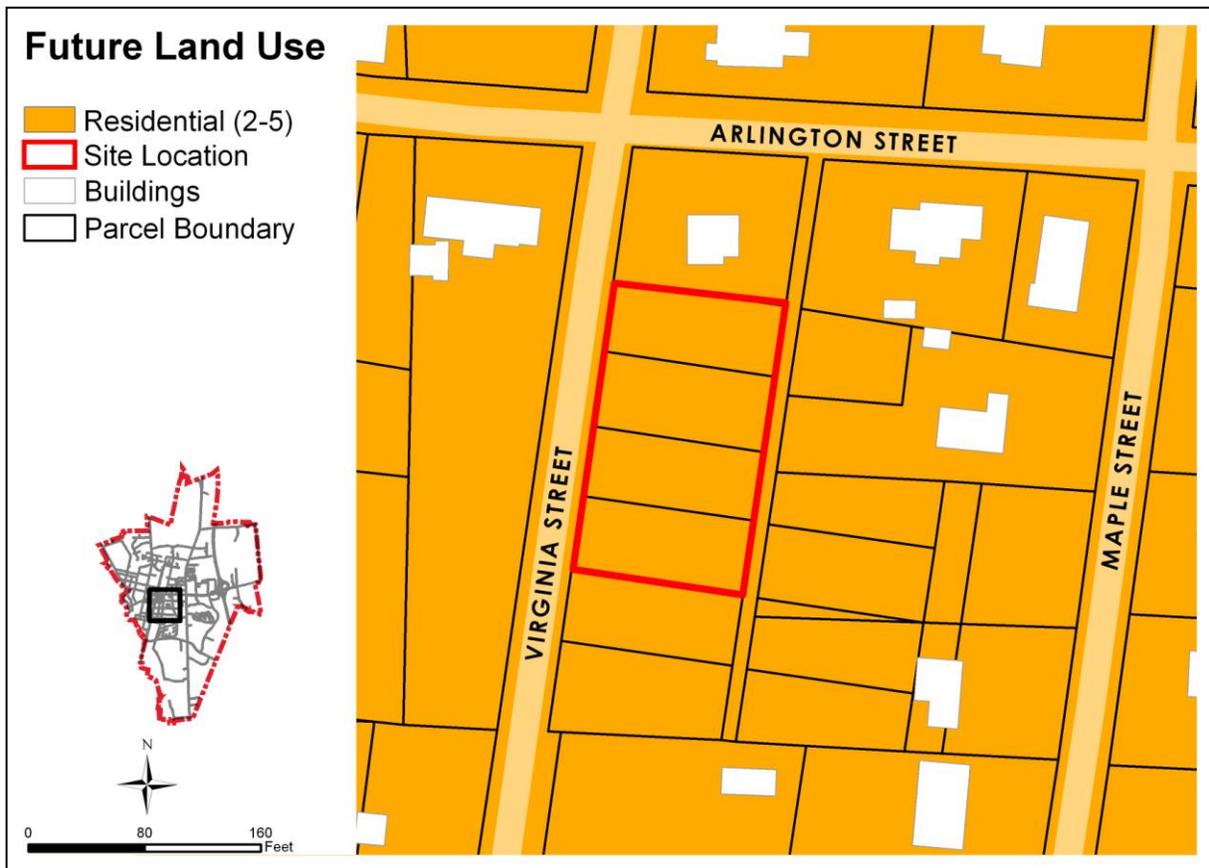
**Comprehensive Plan.**

This property is identified as appropriate for single family medium residential development. The Land Use Chapter of the Comprehensive Plan describes this classification as follows:

*Single Family Medium Density Residential*

This classification is defined by 2 to 5 dwelling units per acre. By right development will allow 2 houses per acre. Single family residential development comprises the basic neighborhood districts, which cover most of the residential area of Town. The criteria for development in these districts reflect, specifically, the expectations of Principles 1 through 4, regarding the small town character, the unique features of Ashland, the landscape and tree shaded streets, and the variety of homes and lots that exist here.

As seen in the future land use map below, this property exists in an established single family residential district. Therefore, the proposed subdivision to develop a single family house conforms to the land use classification for this area.



**CONCLUSION:**

The applicant is requesting preliminary plat approval to vacate all existing property lines to consolidate the existing four (4) lots into a single (1) lot consisting of 0.495 acres to construct a single family home. This request is considered a major subdivision due to the extension of public utilities to serve this property

The property is zoned R-2, Residential Limited and is designated as appropriate for single family medium residential by the Comprehensive Plan. The proposed lot meets all minimum requirements for an R-2 zoned lot and the intent of the land use classification for this property.

The applicant is requesting an exception to the requirement for sidewalks, curb and gutter along Virginia Street, per Sec. 17-49.2 and Sec. 21-242 of the Town Code. Public Works and Planning staff agrees that granting an exception to these requirements along Virginia Street fulfills all of the conditions set forth in the Town Code.

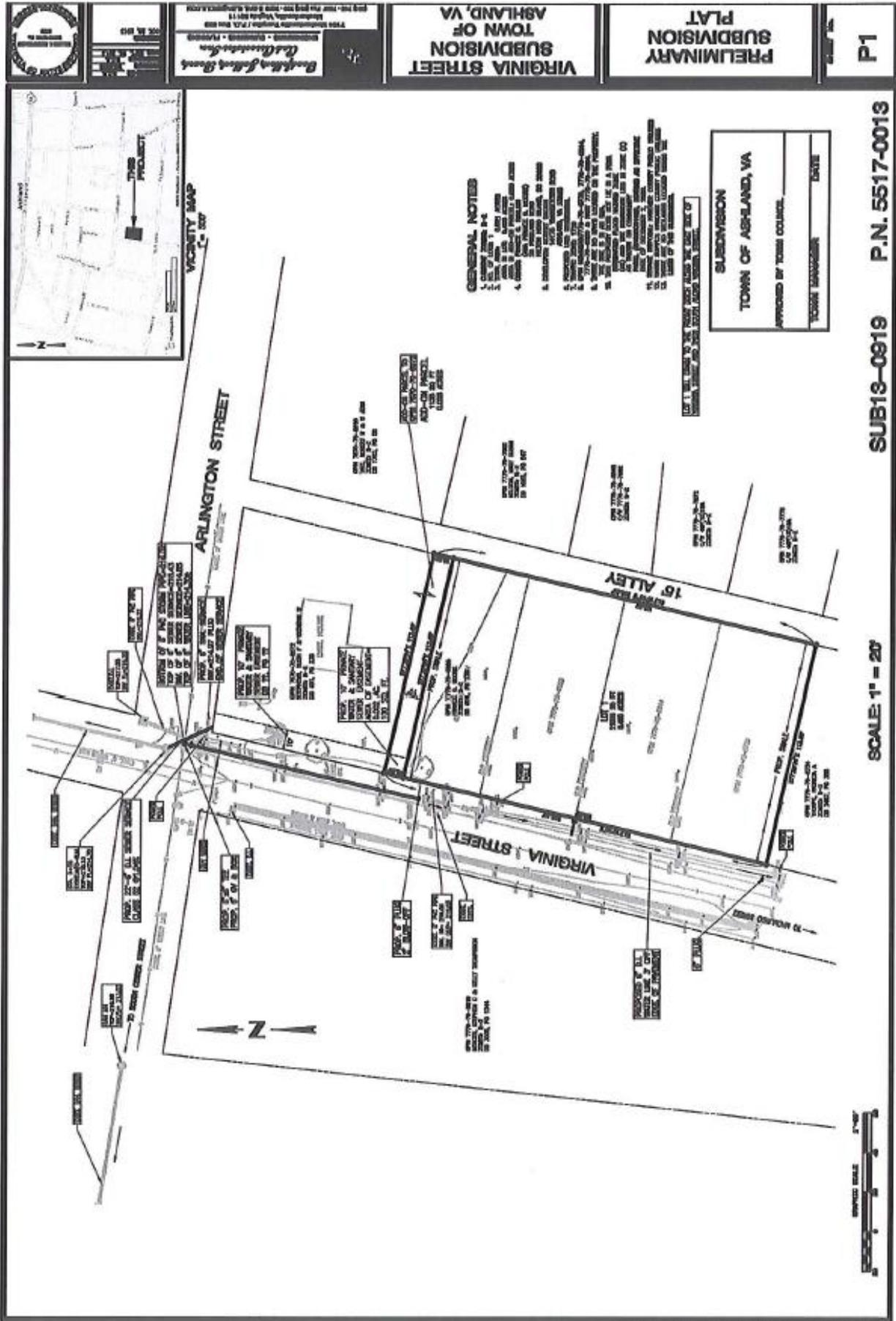
In reviewing the preliminary plat, there is one outstanding comment from the Hanover County Department of Public Utilities. This note is as follows:

- Provide a permanent 10' water and sanitary sewer easement along Virginia Street frontage of Lot 1 for utilization during future waterline extension along Virginia Street toward MacMurdo Street.

If staff receives an approval letter from Hanover Department of Public Utilities before the November 13<sup>th</sup> Planning Commission meeting, then staff will recommend approval.

***Staff is recommending approval of the preliminary plat for SUB12-0912, pending an approval letter from Hanover County Department of Public Utilities is received by the November 13<sup>th</sup> Planning Commission meeting.***

***Staff recommends approval of granting an exception to the sidewalks, curb and gutter requirements along Virginia Street.***



**Town Council Actions**  
**October 1, 2013 – 7:00pm**

**6:15pm** - Prior to the regular 7pm meeting of town council, a closed meeting was held to interview an applicant for the BZA vacancy.

**CITIZEN INPUT**

- **No citizen input**

**PRESENTATIONS**

- **Metropolitan Planning Organization (MPO)** presentation with Mr. Robert Crum, Executive Director of the Richmond Regional Planning District Commission

**PUBLIC HEARINGS**

- **APPROVED** – **ORD2013-08**: An ordinance to vacate multiple unopened right of ways
- **APPROVED** – **ORD2013-10**: An ordinance to amend town code, chapter 10, speed limit change on Rt. 1, north

**CONSENT AGENDA**

- **APPROVED** – the consent agenda.

**ACTION AGENDA**

- **APPROVED** – Resolution requesting revenue sharing funds
- **APPROVED** – Ashland Theater acceptance; gift from Mr. & Mrs. A. D. Whittaker
- **APPROVED** – Grant funding for Ashland Theater

**APPOINTMENT**

- Town Council recommended Stephen Carter Mercer to the Hanover Circuit Court for appointment to the BZA

**MANAGEMENT REPORTS**

- Management reports were presented by the town manager and public works departments

**REMINDERS**

**Town Council Actions**  
**October 15, 2013 – 7:00pm**

**I**  
**CITIZEN INPUT**

- No citizen input

**PRESENTATIONS**

- **Resolution:** Birthday recognition for Mrs. Alice Trotter who celebrated her 100<sup>th</sup> birthday in July

**PUBLIC HEARING**

- **APPROVED** – ORD2013-06: An ordinance to amend the Code of the Town of Ashland, Chapter 21, Zoning, Article XXV, Supplemental Regulations, Sec 21-251, Location of uses and structures, to allow for an exception to the requirement that lots front on an existing street or improved right of way.

**CONSENT AGENDA**

- **APPROVED** – the consent agenda.

**ACTION AGENDA**

- **APPROVED** – SUB12-0921 – Sumpter T. Priddy, Sr. and Cornelia W. Priddy
- **DEFERRED** - Special Events Policy to the first meeting in November (Nov 5)
- **DEFERRED** - Gilman Lot frontage exception request to the first meeting in November (Nov 5)

**DISCUSSION**

- Capital Improvements Program for FY2015-2019 (**see reminders below**)

**MANAGEMENT REPORTS**

- Management reports were presented by the police department, the planning & community department and the finance department

**Town Council Actions**  
**November 5, 2013 – 7:00pm**

**PRESENTATIONS**

1. **Richmond 2015 – the World Cycling championships.** Tim Miller, Chief Operating Officer for Richmond Cycling gave an overview of what to expect in the 2015 cycling events
2. **Police Department – Quarterly Employee Awards presented to the following officers: Certificate of Commendation, - Officer Paul Stirnaman; Certificate of Commendation - Officer David Marcussen and Certificate of Excellent Police Duty award to Lt. Troy Aronholt ,Investigator Matt Hileman and Investigator Adam Aigner**

**CITIZEN INPUT**

- **No citizen input**

**CONSENT AGENDA**

- **APPROVED** – the consent agenda

**ACTION AGENDA**

- **APPROVED** – SUB12-0921 – Final plat for Sumpter T. Priddy, Sr. and Cornelia W. Priddy
- **APPROVED** - Gilman Lot frontage exception request
- **APPROVED** – **Regional Cooperative Procurement** request for annual contracts for gasoline and diesel fuels

**MANAGEMENT REPORT**

- Town Manager Charles Hartgrove presented his management report
- Public Works management report will be presented at the second meeting in November

## **DEVELOPMENT PLANS:**

### *Applications under review*

- **Virginia Street Subdivision aka France English** – Major Subdivision
- **Sumpter Priddy and Cornelia Priddy** – Major Subdivision
- **Sumpter Priddy, Jr.** – Site Plan
- **Republic National Distributing Company (RNDC)** – Site Plan
- **TA Operations LLC** – Site Plan
- **Tractor Supply Company – (Irrigation Layout Update)** – Site Plan
- **Republic National Distribution Company Early Land Disturbance** – Site Plan
- **East Ashland Entrance # 1** – Site Plan

### *Approved*

- **Lance and Bridle Club Properties, Inc.** – Final Plat (*Approved 11/05/2012*)
- **Vitamin Shoppe Distribution Center** – Site Plan (*Approved 10/12/2012*)
- **TS Development Associates** – Rezoning Request (*Approved 11/20/2012*)
- **(Bodenstine) Re-subdivision of Pt. Lots 19 & 20 Plan of Stebbins-** Minor Subdivision (*Approved 11/20/2012*)
- **Re-Subdivision of Stanley Construction** – Minor Subdivision (*Approved 12/18/2012*)
- **Mays & Wheeler Property Line Vacation** – Minor Subdivision (*Approved 12/18/2012*)
- **Carter Lumber Company** – Site Plan (*Approved 12/18/2012*)
- **Vitamin Shoppe Distribution Center Landscape** – Site Plan (*Approved 1/18/2013*)
- **Virginia Transportation Park Offsite Sewer** – Site Plan – (*Approved 1/18/2013*)
- **Chick-fil-A** – Revised Site Plan – (*Approved 2/25/2013*)
- **O'Reilly's Auto Parts** – Site Plan (*Approved 2/21/2013*)
- **304 North Snead Street (Alice Trotter) Vacation of Right-of-Way** (*Approved 2/19/2013*)
- **Ashland Business Park, Section Two (Tractor Supply)** – Major Subdivision (*Approved 4/16/2013*)
- **Tractor Supply Company** – Site Plan (*Approved 5/1/2013*)
- **Randolph-Macon College – Brock Commons** - Revised Site Plan (*Approved 5/7/2013*)
- **Bank of America ADA Upgrade** - Site Plan (*Approved 5/31/2013*)
- **Vaughan Heights** – Site Plan (*Approved 6/13/2013*)
- **Henry Street Sewer Rehab** – Site Plan (*Approved 6/13/2013*)
- **Providence Subdivision Section 2** Site Plan (*Approved 6/13/2013*)
- **Concrete Pipe & Precast, LLC** – Rezoning (*Approved 6/18/2013*)
- **Ronald D. Gibbs, Used Auto Sales** – Conditional Use Permit (*Approved 7/16/2013*)
- **Randolph-Macon College – Birdsong Senior Dorms** – Site Plan (*Approved 7/16/2013*)
- **Faith Sharon Home** – Conditional Use Permit (*Approved 8/20/2013*)
- **DebMark, LLC** – Conditional Use Permit (*Approved 8/20/2013*)
- **Randolph-Macon College Fountain** – Site Plan (*Approved 8/22/2013*)
- **Tractor Supply Company Site Lighting Plan** - Site Plan (*Approved 8/29/2013*)
- **Sumpter T. Priddy, Jr.** – Rezoning (*Approved 9/3/2013*)

- **Giant (Martins) Fuel Station - Site Plan** (*Approved 9/3/2013*)
- **Washington Street Sanitary Sewer – Site Plan** (*Approved 9/23/2013*)
- **Bramel Properties Lot Clearing Plan – Site Plan** (*Approved 9/13/2013*)
- **Proposed Restaurant SEA Job #2617 – Site Plan** (*Approved 10/4/2013*)
- **Republic Nat’l Distribution Co. (RNDC) Right-of-Way Vacation – Minor Subdivision** (*Approved 9/17/2013*)

Under Construction

- **Carters Hill Section 2 Subdivision – James and Chapman Streets**
- **Heartland Subdivision – N. James & N. Snead Streets**
- **March Park - off of Woodside Lane**
- **Chapman Street Subdivision – Chapman Street**
- **Lance and Bridle Club Properties – Ashcake Road and Maple Street**
- **Providence Section Two Subdivision**

Text Amendments

- **ORD2012-12 – Non-Conforming Uses –** (*Approved 1/15/2013*)
- **ORD2013-05 - Add Dormitories as Permitted Use in B-1 District** (*Denied 9/17/2013* )
- **ORD2013-06 – Lot Frontage Exception**
- **ORD2013-07 – Vacation of Right-Of-Way –** (*Approved 9/17/2013*)
- **ORD2013-08 – Sumpter Priddy ROW Vacation Ordinance** (*Approved 10/01/2013*)
- **ORD2013-09 – Mechanical Screening Exception**
- **ORD2013-11 – Political Signs, Date Amendment**