

Ordinance ORD2015-01

AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF ASHLAND, THAT SUBSTANTIALLY MODIFIES AND REVISES CHAPTER 21, "ZONING," ARTICLE I, "IN GENERAL," SECTION 21-3, "DEFINITIONS;" ELIMINATES THE RESIDENTIAL, PROFESSIONAL OFFICE (RO-1) DISTRICT FROM CHAPTER 21, "ZONING," ARTICLE II, "DISTRICTS GENERALLY," SECTION 21-8, "ENUMERATION OF DISTRICTS" AND DELETES ARTICLE IX, "RESIDENTIAL, OFFICE DISTRICT, RO-1" SECTIONS 21-79 THROUGH 21-83; REVISES CHAPTER 21, "ZONING," ARTICLE XI, "HIGHWAY COMMERCIAL DISTRICT, B-2, SECTION 21-100, "STATEMENT OF INTENT," SECTION 21-101, "USE REGULATIONS," ADDS SECTION 21-101.1, "REQUIREMENTS FOR PERMITTED USES," REVISES SECTION 21-102, "AREA REGULATIONS, SECTION 21-104, "SETBACK REGULATIONS," SECTION 21-105, "YARD REGULATIONS," SECTION 21-106, "HEIGHT REGULATIONS," SECTION 21-107, "PARKING LOT CONNECTIVITY." MANY OF THESE CHANGES REDUCE REQUIRED SETBACKS AND INCREASE THE BUILDING ENVELOPE; REVISES CHAPTER 21, "ZONING," ARTICLE XII, "NEIGHBORHOOD COMMERCIAL DISTRICT B-4," SECTION 21-111, "STATEMENT OF INTENT," SECTION 21-112, "USE REGULATIONS," SECTION 21-114, "SETBACK REGULATIONS," SECTION 21-114.2, "YARD REGULATIONS;" REVISES CHAPTER 21, "ZONING," ARTICLE XIII, "LIMITED INDUSTRIAL DISTRICT M-1," SECTION 21-118, "STATEMENT OF INTENT," SECTION 21-119, "PERMITTED USES," SECTION 21-120, "REQUIREMENTS FOR PERMITTED USES," SECTION 21-122, "SETBACK REGULATIONS," SECTION 21-123, "YARD REGULATIONS," SECTION 21-124, "HEIGHT REGULATIONS;" REVISES CHAPTER 21, "ZONING," ARTICLE XX, "SIGNS," SECTION 21-208, "SIGNS PERMITTED;" REVISES CHAPTER 21, "ZONING," ARTICLE XXI, "BOARD OF ZONING APPEALS: OFFICERS, RULES, RECORDS, AND MEETINGS," SECTION 21-221, "POWERS AND DUTIES OF THE BOARD OF ZONING APPEALS;" REVISES CHAPTER 21, "ZONING," ARTICLE XXII, "LANDSCAPING," SECTION 21-232, "TREE PRESERVATION AND PLANTING," SECTION 21-235, "PARKING AREA LANDSCAPING;" REVISES CHAPTER 21, "ZONING," ARTICLE XXV, "SUPPLEMENTAL REGULATIONS," SECTION 21-266, "GENERAL LIGHTING STANDARDS," SECTION 21-268, "MECHANICAL UNITS," AND ADDS SECTION 21-277, "ELECTRIC VEHICLE CHARGING STATIONS;" AMENDS CHAPTER 8, "GARBAGE, TRASH, AND WEEDS," ARTICLE IV "WEEDS AND WILD GROWTH," SECTION 8-17.2 "INSPECTION OF SITE VIOLATION; NOTICE TO CUT," BY CHANGING NOTICE FROM ONE WEEK TO TEN DAYS; AND AMENDS CHAPTER 17, "SUBDIVISION OF LAND," ARTICLE 1 "IN GENERAL," SECTION 17-3 "DEFINITIONS," TO MEET PRELIMINARY PLAT REQUIREMENTS IN THE VIRGINIA CODE.

WHEREAS, the Town Council has held a public hearing on April 21, 2015, 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 Town Code shall be amended to read, as follows:

Chapter 8 Garbage, Trash and Weeds**Article IV. Weeds and Wild Growth****Sec. 8-17.1. Inspection of site of violation; notice to cut.**

Upon receipt of a report as referred to in the preceding section, the Director of Community Development shall cause the site of the reported violation to be inspected. When the Director of Community Development has determined from such reports and inspections or otherwise that a violation in fact exists, the Director shall notify the owner of the land upon which the violation exists to correct the violation complained of within **ten (10) days** ~~one (1) week~~ of the receipt of the notice by the owner. Such notice shall be in writing, shall be given by certified mail with return receipt required to the last known address of the owner, and shall be complied with by such owner.

(5-20-08)

Chapter 17 Subdivision of Land

Article I. In General

Sec. 17-3. Definitions.

Subdivision major. All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of **fifty-one (51)** ~~four (4)~~ or more lots, or any size subdivision requiring any new street or extension of public water and/or sanitary sewer, or any other public improvements.

Subdivision minor. Any subdivision containing not more than **fifty (50)** ~~three (3)~~ lots fronting on an existing street, not involving any new street or road, or the extension of public facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the comprehensive plan, official zoning map, zoning ordinance, or these regulations.

Chapter 21 Zoning

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.

Art gallery. A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

Artist studio. Space for the creation of original visual or performing art projects in limited edition or unique quantities. Creative process may include design, fabrication, rehearsal, or performance elements, among others, in the project. The art studio may contain an incidental retail element.

Assembly hall. A building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

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.

Assisted living facility. A facility providing a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. Such facilities include nursing homes, convalescent homes, rest homes, and may also provide adult day care services as an accessory use to these uses.

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.

Auction house. A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other, with all events and storage of inventory entirely enclosed in a permanent building or structure.

Automobile graveyard. See "junkyard."

~~—Automobile rental agency. A facility for the leasing or renting of automobiles and light trucks and vans, including incidental parking and servicing of vehicles that are made available for rent or lease.~~

~~—Automobile repair service station. A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building.~~

~~—Automobile sales, new. The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of new automobiles and including any warranty repair work and other repair service conducted as an accessory use.~~

~~—Automobile sales, used. The use of any building, land area, or other premises or portion thereof, for the display or sale of used automobiles.~~

Automobile. All on-road vehicles and trailers, including motorcycles to be licensed from the Virginia Department of Motor Vehicles (DMV), and not classified as either heavy or recreational equipment. As an accessory use, this may include a facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building.

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

Bakery. An establishment that produces and sells food baked in an oven similar, but not limited to bread, cakes, pastries, and pies. Such use may include incidental on-site food service.

~~*Bakery, retail.* An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental on-site food service.~~

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."

Boarding kennel. A place designed and used to house, board, breed, handle or otherwise keep or care for dogs, cats, or other household pets in return for compensation.

~~*Broadcasting studio.* Commercial and public communication uses including radio and television broadcasting and receiving stations and studios.~~

Brewery, Distillery or Winery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale on- or off-premises, with production capacity of more than 10,000 barrels per year for breweries or 5,000 gallons per year for distilleries.

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.

Building, unit. A portion of space within a building or structure, separated by walls or partition from other parts of the structure or building in which it is located. A commercial use may contain multiple rooms as part of a unit. See *dwelling, unit* for residential structures.

Building supplies and service. A retail sales establishment primarily engaged in the retail or wholesale sale of materials and equipment used in the construction of buildings or other structures, but specifically excluding automobile sales. Such uses typically include building material stores and home supply establishments.

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. The entire unit's street front façade shall be occupied by nonresidential uses and treated as pedestrian-oriented with interior views of the commercial space and a clearly designed business entrance.

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).

Car wash. Facilities for the washing and cleaning of vehicles, including automatic and self-service car washes.

Catering establishment. An establishment in which food and meals are prepared on the premises, and are delivered to another location for consumption.

~~*Check-cashing establishment.* Any person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia, § 6.1-433.~~

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.

Circuit court. The circuit court for Hanover County.

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.

Colleges. Any institutions accredited by the State Department of Education and/or authorized by the State Council of Higher Education to award degrees; and including all uses customarily associated with an institution of higher education such as dormitories, classroom buildings, athletic fields, libraries, etc.

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.

Community garden. A private or public area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

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.

~~*Consumer finance company.* Any establishment, other than a bank, savings and loan, or credit union, engaged in the business of making loans to individuals for personal, family, household, or other nonbusiness purposes.~~

~~*Contractor's office.* A facility for the conducting of a contractor's business affairs, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.~~

~~*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.

Drive-in theater. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles.

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.

Educational facilities. A public or private facility for the specialized education or instruction of professional, vocational or art-based skills arranged in a non-traditional or business/office oriented setting not including any form of student housing. Services offered include education or training in business, commerce, language, art, singing, sculpting, yoga studio, dance or other similar activity or occupational pursuit, including culinary arts schools and academies. Not otherwise defined as a schools or colleges.

Electric vehicle charging station. Electric vehicle charging station means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

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.

Feed mill. A structure or building used to store or grind grain for animal or human consumption.

Financial institution. An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies including, but not limited to, banks, savings and loans, or credit unions.

Firework sales. The temporary sale of any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

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."

Fuel station. Any place of business used for the storage, dispersal, sale, or offering of natural gas, fuels, liquids, and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any establishment that offers motor vehicles natural gas, fuels, liquids, and oils for sale or dispersal, whether as a primary or accessory use, shall be considered a gas station.

Funeral home. A facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Such uses may include funeral chapels and crematoriums.

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.~~

~~*Gas station.* Any place of business used for the storage, dispersal, sale, or offering of fuels and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any establishment that offers automobile fuels for sale or dispersal, whether as a primary or accessory use, shall be considered a gas station.~~

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.

Grocery store. A large, self-service store selling a wide variety of food products, including perishable items like meat, produce and dairy, along with general merchandise items like cleaning supplies, paper products, and health/beauty care products. Some grocery stores also include a floral department, alcohol and tobacco sales, and have banks or other businesses located within the store itself.

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.

~~—*Heavy equipment.* A movable or transportable vehicle or other apparatus commonly used in agricultural, commercial, industrial, or construction enterprises including, but not limited to, trucks, trailers, bulldozers, backhoes, rollers, loaders, lifts, tractors, harvesters, or combines with a registered gross weight of twelve thousand (12,000) pounds or more.~~

~~—*Heavy equipment sales and service.* A retail sales establishment primarily involved in the sales and service of heavy equipment and machinery, and provided that all servicing takes place in a fully enclosed building.~~

~~*Equipment and machinery, heavy.* A movable or transportable vehicle, piece of machinery, or other apparatus commonly used in agricultural, commercial, industrial, or construction enterprises including, but not limited to, trucks, trailers, bulldozers, backhoes, rollers, loaders, lifts, tractors, harvesters, or combines with a registered gross weight of twelve thousand (12,000) pounds or more.~~

~~*Equipment and machinery, light.* A movable or transportable vehicle, piece of machinery, or other apparatus commonly used in agricultural, commercial, industrial, or construction enterprises including, but not limited to, trucks, trailers, bulldozers, backhoes, rollers, loaders, lifts, tractors, harvesters, or combines with a registered gross weight of less than twelve thousand (12,000) pounds.~~

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. A building or group of attached or detached buildings in which temporary lodging is provided and offered to the public as transient guests in return for compensation. Such uses may provide additional services such as daily maid service, restaurants, meeting rooms,

and/or recreation facilities. Such uses include hotels, motels, motor lodges, and motor courts.

Indoor recreational facility. Predominantly participant uses conducted within an enclosed building, but not including public facilities. Typical uses include, but are not limited to, arcades, bowling alleys, billiard parlors and poolrooms, dance halls, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities. Restaurants and retail sales establishments with pool tables and video game machines as accessory uses shall not be considered an indoor recreational facilities.

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.

Laboratory or research institution. Use associated with scientific, medical, or other institutional and/or laboratory research. Animals regulated under federal law as research animals shall be permitted.

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. A facility, owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include fraternities, sororities, or facilities for members to reside.

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.

~~*Machinery sales and service.* A retail sales establishment primarily involved in the sales and service of machinery and equipment that is not defined as heavy equipment, and provided that all servicing takes place in a fully enclosed building.~~

Major utilities. Facilities for the distribution, collection, treatment, production, transmission, and generation of public utilities including, but not limited to, transmission lines, production plants, plant expansions, electrical substations, pumping stations, treatment facilities, and communication facilities.

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the production, processing, manufacturing, assembly, compounding, cleaning, servicing, storage, testing, repair and distribution of materials, goods, or products ~~assembling of component parts, the creation of products, and the blending of materials~~ including but not limited to oils, plastics, resins, etc.

~~*Manufacturing, apparel, textiles, and fabric.* Establishments that transform a basic fiber (natural or synthetic) into a product, such as yarn or fabric that is further manufactured into usable items, such as apparel, sheets, towels, and textile bags for individual or industrial consumption. These processes may include cutting and sewing or the manufacturing of garments in establishments that first knit fabric and then cut and sew the fabric into a garment.~~

~~*Manufacturing, chemicals, basic chemicals, or nonmetallic mineral production.* Establishments that transform organic and inorganic raw materials by a chemical process and the formulation of products. This also includes mined or quarried nonmetallic minerals, such as sand, gravel, stone, clay, and refractory materials, into products for intermediate or final consumption. Processes used include grinding, mixing, cutting, shaping, and honing. Heat often is used in the process and chemicals are frequently mixed to change the composition, purity, and chemical properties for the intended product.~~

~~*Manufacturing, computer and electronic products, equipment, appliances and components.* Establishments that manufacture computers, computer peripherals, communications equipment, and similar electronic products, and establishments that manufacture components for such products. Generally these products generate, distribute and use electrical power. Examples include, but are not limited to, electric lamp bulbs, lighting fixtures, and parts.~~

~~*Manufacturing, machinery or fabricated metal products.* Establishments that transform metal into intermediate or end products, other than machinery, computers and electronics, and metal furniture, or treat metals and metal formed products fabricated elsewhere. Processes are forging, stamping, bending, forming, and machining, used to shape individual~~

pieces of metal; and other processes, such as welding and assembling, used to join separate parts together. These products are end products that apply mechanical force, for example, the application of gears and levers, to perform work.

Manufacturing, beverage tobacco, food, or agricultural products. Establishments that transform livestock and agricultural products into products for intermediate or final consumption. Processing raw materials, generally of animal or vegetable origin, are made into food products. Also included are manufacturers of beverages and nonalcoholic beverages. Alcoholic beverages through the fermentation process and distilled alcoholic beverages, as well as ice manufacturing. Manufacturing of tobacco includes industries engaged in redrying and stemming tobacco and those that manufacture tobacco products, such as cigarettes and cigars.

Manufacturing, furniture, pottery, and related products. Establishments that manufacture furniture and related articles, such as mattresses, window blinds, cabinets, and fixtures. Processes include the cutting, bending, molding, laminating, and assembly of such materials as wood, metal, glass, plastics, and rattan. This also includes the manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.

Manufacturing, leather and allied products. Establishments that transform hides into leather by tanning or curing and fabricating the leather into products for final consumption. It also includes the manufacture of similar products from other materials, including products made from "leather substitutes," such as rubber, plastics, or textiles.

Manufacturing, paper and wood products. Establishments that manufacture wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile homes), and prefabricated wood buildings. The production processes includes sawing, planing, shaping, laminating, and assembling of wood products starting from logs that are cut into bolts, or lumber that then may be further cut, or shaped by lathes or other shaping tools. Paper manufacturing that constructs pulp, paper, or converted paper products. The manufacturing of these products is grouped together because they constitute a series of vertically connected processes.

Manufacturing, plastics and rubber products. Establishments that make goods by processing plastics materials or raw rubber. Plastics and rubber are combined in the same subsector because plastics are increasingly being used as a substitute for rubber; however the subsector is generally restricted to the production of products made of just one material, either solely plastics or rubber.

Manufacturing, printed and related support activities. Establishments that print products, such as newspapers, books, labels, business cards, stationery, business forms, and other materials, and perform support activities, such as data imaging, plate making services, and bookbinding. The support activities (e.g. printing plate, bound book, computer disk or file, etc.) are an integral part of the printing industry and are almost always provided by these operations.

Manufacturing, transportation equipment. Establishments that produce equipment and finished products for transporting people and goods. The production process is similar to those of other machinery manufacturing establishments - bending, forming, welding, machining, and assembling metal or plastic parts into components and finished products.

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.

Media development or production studio. Commercial media (film, music, or photography) production that includes on-site filming, videotaping, recording, photography or other means of production. No artistic productions shall be produced which industry standards would consider pornographic or adult-only.

Medical office. A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Metal and gem dealers. An establishment for the purchasing, acquiring, and selling of precious metals and gems, and in accordance with Chapter 9.1 of the Ashland Town Code.

~~*Micro-brewery.* A facility for the production, bottling, packaging and sale of beer, malt beverages, and or hard cider of low alcohol content, produced on site for distribution, retail or wholesale, on or off-premises sales, with a capacity of not more than 10,000 barrels per year.~~

Micro-Brewery/Distillery/Winery. A facility for the production and packaging of alcoholic beverages for distribution, retail or wholesale, on- or off-premises, with production capacity of not more than 10,000 barrels per year for micro-breweries or 5,000 gallons per year for micro-distilleries and micro-wineries.

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.

Minor utilities. Facilities for the distribution and collection of public utilities including poles, lines, distribution transformers, pipes, meters, and any other facilities necessary for the provision and maintenance of public utilities, including railroads and their facilities.

Motor vehicle title lender. Any establishment engaged in the business of lending money secured by a non-purchase interest in a motor vehicle.

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.

Museum. A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

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.~~

Office. A room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

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.

Outdoor recreational facility. Predominantly participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, driving ranges, miniature golf courses, tennis courts, motorized cart tracks, swimming pools, and athletic ball fields.

Park. Any area that is predominantly open space, used principally for active or passive recreation, and not used for a profit-making purpose. Any area designated by the town as a park.

Park-and-ride lot. An off-street parking facility designed or intended to provide peripheral collection and storage of vehicles to accommodate commuter traffic into or out from the community, including accessory structures such as passenger shelters.

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.

~~*Payday lender.* Any establishment, other than a bank, savings and loan, or credit union, engaged in the business of making short-maturity loans on the security of (1) a check, (2) any form of assignment of an interest in the account of an individual at a depository institution, or (3) any form of assignment of income payable to an individual, other than loans based on income tax refunds.~~

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, diaper service, beauty shops, barber shops, watch or jewelry repair, shoe repair, funeral services, etc.

Pet shop. A retail sales establishment primarily involved in the sale or grooming of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

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

Playground. An area developed with play apparatus for active play and recreation.

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.

~~*Printing shop.* A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, facsimile sending and receiving, offset printing, publishing, binding, and newspaper printing.~~

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 facilities. Uses, structures, and facilities made available for public service including, but not limited to, libraries, fire and emergency service stations, rescue squads, police stations, and administrative buildings.

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.

Real estate office. A business in the profession of buying, selling, or renting an item of real property. These items can include, but are not limited to, land, buildings, housing, or natural resources.

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.

Recreational equipment, minor. Equipment not requiring licensing from the Virginia Department of Motor Vehicles (DMV) or other state agencies, which includes, but is not limited to, golf carts, dirt bikes, ATVs, and kayaks.

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

Repair services. Establishments primarily engaged in the provision of repair services, but excluding automotive repair uses. Such uses include, but are not limited to, appliance repair shops, bicycle repair, and musical instrument repair.

Repair or service station. A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, commercial vehicles, recreational vehicles or equipment, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building.

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 or fast food. 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 sales establishment. A commercial enterprise offering the sale or rental of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

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.

Schools. A public, private, or parochial school offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Virginia.

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

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.~~

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. 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 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 rearranged 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. 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. 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. Fuel pump signs shall not exceed two (2) square feet in area on each face of a fuel pump.

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, 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, 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, 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. 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. 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 eighteen (18) total

square feet for each lot in a residential district and individual signs shall not exceed six (6) feet in height. 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. 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.

(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 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, 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 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.

Solar energy equipment. Certified solar energy equipment, facilities or devices includes and equipment, facilities, or devices to be designed and used primarily for the purpose of providing for the collection and use of incident solar energy for water heating, space heating or cooling or other application which would otherwise require a conventional source of energy such as petroleum products, natural gas, or electricity.

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.

Taxicab stand. A queue area on a street or on private property where taxicabs line up to wait for passengers.

Telecommunication tower. A structure designed and constructed to support one or more antennas used by telecommunication facilities and including all appurtenant devices attached to it.

~~*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.~~

Temporary outdoor sales. 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, or ornamental flowers. No use shall exceed four (4) months in any twelve-month period. Any bona fide civic, charitable, fraternal, or welfare organization shall be exempt from obtaining a conditional use permit if the use is located on their property.

Theaters. A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

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.

Transient guest. Any person who, either at their own expense or at the expense of another, obtains lodging or the use of lodging space in any hotel for any period of less than 30 consecutive days. Contractors and construction works requiring lodging for construction projects may stay through the completion of said project.

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. Such uses include, but are not limited to, storage buildings and warehouses, and office warehouses.

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.

Article II. Districts Generally

Sec. 21-8. Enumeration of districts.

For the purpose of this chapter, the incorporated areas of the town are hereby divided into the following districts:

Rural Residential RR-1
 Residential, Restricted R-1
 Residential, Limited R-2
 Residential, Medium R-3
 Residential, Medium-High R-4
 Residential, Multifamily R-5
~~Residential, Professional Office RO-1~~
 Central Business District B-1
 Central Business District – Downtown B-1D
 Highway Commercial B-2
 Neighborhood Commercial B-4
 Limited Industrial M-1
 Higher Education HE
 Planned Unit Development PUD
 Planned Mobile Home PMH
 Planned Shopping Center PSC
 Planned Office-Business POB
 (6-23-98(2), § 1)

~~**Article IX. Residential, Office District RO-1**~~

~~**Sec. 21-79. Statement of intent.**~~

~~—This district is intended for areas undergoing transition from residential to other uses and for application along major streets. The regulations for this district are designed to preserve the residential character of these areas and to guide transition by permitting limited additional uses in appropriate existing or new structures. This district is designed to provide a transition from the residential neighborhoods to the established business areas by allowing for limited commercial uses with a residential character.~~

~~(5-27-97, § 1)~~

~~**Sec. 21-80. Use regulations.**~~

~~The following uses and structures shall be permitted in the Residential, Office District RO-4:~~

- ~~(a) Single-family dwellings.~~
- ~~(b) Churches and other places of worship.~~
- ~~(c) Professional offices.~~
- ~~(d) Reserved.~~
- ~~(e) See article XXII of this chapter for underground utility requirements.~~
- ~~(f) Home occupations.~~
- ~~(g) Accessory uses.~~
- ~~(h) Off-street parking and loading areas for permitted uses in accordance with article XIX. No parking is permitted in the front yard setback. Public parking lots with a conditional use permit.~~
- ~~(i) Signs in accordance with article XX.~~
- ~~(j) Museums and art galleries with a conditional use permit.~~
- ~~(k) Adult day care services, when accessory to a church, with a conditional use permit.~~

~~(12-10-85, § 3; 4-25-95, § 6; 12-10-96, § 7; 5-27-97, § 1; 6-23-98(2), § 1; 4-27-99, § 1; 2-17-04, § A1; 10-6-09)~~

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

~~For each single-family dwelling, the requirements of the R-2 Residential District shall apply. All other uses shall be governed by the requirements of the B-2, Highway Commercial District, provided that the minimum street side yard for all buildings and structures shall be twenty-five (25) feet and there shall be no minimum lot area requirement, and the maximum height of all structures shall not exceed thirty-five (35) feet. See article XXV for supplemental yard requirements.~~

~~(5-27-97, § 1; 12-15-98, § 1; 4-27-99, § 1; 3-20-07)~~

~~Sec. 21-82. Reserved.~~

~~*Editors Note: An ordinance adopted on Dec. 15, 1998, repealed and reserved section 21-30, which pertained to special provisions for corner lots.*~~

~~Sec. 21-82.1. Landscape plan: landscaping, trees, buffers and screening.~~

~~A landscape plan shall be required and landscaping, trees, buffers, and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.~~

~~(2-17-04, § A2)~~

~~Sec. 21-83. Development standards.~~

~~(a) The existing residential housing stock shall be preserved and adapted for office use. New construction shall have a single-family residential appearance and shall be reviewed under the town's policy for design review of conditional rezonings.~~

~~(b) Any expansion of an existing structure shall be made to the rear or side of the structure.~~

~~(5-27-97(3), § 1)~~

~~Secs. 21-84--21-90. Reserved.~~

Article XI. Highway Commercial District B-2

Sec. 21-100. Statement of intent.

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor or noise. ~~The location of this district serves as an important gateway to the community, thus improving its function through elements such as lighting, landscaping, signage, building design and layout, is an important economic goal for the Town.~~

Sec. 21-101. Use regulations.

The following uses and structures shall be permitted in the Highway Commercial District, B-2:

- ~~—(1) Accessory uses as defined.~~
- ~~—(2) Automobile and truck sales and service establishments and truck rental agencies, provided that all repairs take place in a fully enclosed building. Truck stops and junkyards as defined in this chapter are excluded in this district. The display or storage of used automobiles or trucks offered for sale shall require a conditional use permit unless located on the same site and operated in conjunction with a new vehicle dealership.~~
- ~~—(3) Banks and financial institutions.~~
- ~~—(4) Bowling alleys.~~
- ~~—(5) Building supplies and service.~~
- ~~—(6) Car washes, with a conditional use permit.~~
- ~~—(7) Churches.~~
- ~~—(8) Convenience stores and similar uses having pumps for dispensing motor fuels, with a conditional use permit.~~
- ~~—(9) Day nurseries or day care centers.~~
- ~~—(10) Fire stations.~~
- ~~—(11) Funeral homes.~~
- ~~—(12) Garages, public parking.~~
- ~~—(13) Hotels and motels up to thirty-five (35) feet in height. Hotels and motels exceeding thirty-five (35) feet in height, with a conditional use permit.~~
- ~~—(14) Laundry and cleaning.~~
- ~~—(15) Libraries, with a conditional use permit.~~
- ~~—(16) Machinery sales and service, with a conditional use permit provided that no storage or display shall take place in the required setback.~~
- ~~—(17) Miniature golf courses and golf driving ranges.~~
- ~~—(18) Mobile home, portable storage building, boat and trailer, and major recreational equipment sales, display and storage, with a conditional use permit, provided that all units shall be in useable condition and no storage or display shall take place in the required setback.~~
- ~~—(19) Museums and art galleries.~~
- ~~—(20) Painting, plastering, plumbing or electrical contractors, sign painting and graphics, where business is conducted entirely within a completely enclosed building.~~
- ~~—(21) Pet shops, including boarding kennels on the premises.~~
- ~~—(22) Philanthropic and charitable institutions.~~
- ~~—(23) Printing shops.~~

- ~~—(24) Private clubs and lodges, with a conditional use permit.~~
- ~~—(25) Processing or manufacturing establishments that are not objectionable because of smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on the premises and where not more than twenty (20) persons are employed on the premises in the processing or manufacturing activities.~~
- ~~—(26) Office buildings up to thirty-five (35) feet in height. Office buildings exceeding thirty-five (35) feet in height, with a conditional use permit.~~
- ~~—(27) Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See article XXII of this chapter for underground utility requirements.~~
- ~~—(28) Commercial radio or television broadcasting stations, studios or offices, not requiring on-site receiving/transmitting antennae or towers.~~
- ~~—(29) Repair or refinishing services for uses such as furniture, bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, other home appliances, shoes, toys, typewriters, watches and clocks.~~
- ~~—(30) Rescue squads.~~
- ~~—(31) Restaurants.~~
- ~~—(32) Retail stores and businesses with a gross first floor area of twenty-five thousand (25,000) square feet or less and not to exceed a total of fifty thousand (50,000) square feet. Retail stores and businesses with a footprint larger than twenty-five thousand (25,000) square feet provided they obtain a conditional permit.~~
- ~~—(33) Roller rinks or ice skating rinks provided that all such activities take place inside a fully enclosed building.~~
- ~~—(34) Reserved.~~
- ~~—(35) Service stations, with a conditional use permit, provided that all repairs take place in a fully enclosed building.~~
- ~~—(36) Hospitals, with a conditional use permit.~~
- ~~—(37) Personal service establishments as defined in this chapter such as, but not limited to, barbershops, beauty parlors, tailors, automatic self service laundries.~~
- ~~—(38) Theatres, motion picture theatres and assembly halls, but not including drive-in theaters.~~
- ~~—(39) Tourist homes.~~
- ~~—(40) Veterinarian hospitals or clinics, including those with facilities for the treatment of large animals and boarding kennels for small animals, provided all facilities for the care of small animals are within a completely enclosed, air-controlled, sound-proofed building; that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls; and provided that if large animals are to be treated, no treatment rooms or pens for large animals shall be maintained closer than two hundred (200) feet to any property line.~~
- ~~—(41) Wholesale businesses, with a conditional use permit.~~
- ~~—(42) Off-street parking and loading areas in accordance with article XIX.~~
- ~~—(43) Signs in accordance with article XX.~~
- ~~—(44) Mini-storage facilities, with a conditional use permit.~~
- ~~—(45) Amusement centers, with a conditional use permit.~~
- ~~—(46) Towers and aerials, not to exceed one hundred (100) feet in height, with a conditional use permit.~~
- ~~—(47) Public billiard parlors and poolrooms, with a conditional use permit.~~
- ~~—(48) Fireworks sales, with a conditional use permit.~~
- ~~—(49) Parks and playgrounds, with a conditional use permit.~~
- ~~—(50) Outside storage and service areas accessory to permitted uses, with a conditional use permit, unless specifically prohibited for any use by this section, and provided that such areas shall be located on the site or screened by structural or vegetative material so as to not~~

~~be visible from any public right-of-way or adjoining property and shall not be located within any required setback.~~

~~—(51) Shopping centers containing uses permitted in this district, with a conditional use permit.~~

~~—(52) Farmer's markets, with a conditional use permit.~~

~~—(53) Temporary uses, with a conditional use permit subject to the following standards:~~

~~—a. A conceptual plan and elevations shall be reviewed by staff as part of the application. Temporary trailers, such as construction trailers, shall not be permitted to conduct business or for storage. A trailer may be used for shelter purposes only.~~

~~—b. The length of time a use shall be permitted shall be determined for each use. However, no permit shall exceed four (4) months in any twelve-month period.~~

~~—c. Permit shall be subject to a three year review.~~

~~—d. Any bona fide civic, charitable, fraternal, or welfare organization shall be exempt from obtaining a conditional use permit for a temporary use.~~

~~—(54) Adult uses, subject to the specific requirements of section 21-267 of article XXV, supplemental regulations.~~

~~—(55) Adult day care services, with a conditional use permit, provided that the use is not located within a shopping center that exceeds twenty-five thousand (25,000) square feet, as defined within this chapter.~~

- (1) Accessory uses as defined.
- (2) Adult day care and services with a conditional use permit.
- (3) Adult uses, subject to the specific requirements of Section 21-267 of article XXV, supplemental regulations.
- (4) Art gallery.
- (5) Artist studio.
- (6) Auction house.
- (7) Automobile, truck, or motorcycle rental or sales with accessory service. If used vehicles only, then a conditional use permit is required.
- (8) Automobile, truck, or motorcycle repair service station with a conditional use permit.
- (9) Bakery, with a retail or restaurant component.
- (10) Brewery, Distillery or Winery, with a retail or restaurant component.
- (11) Building supplies and service.
- (12) Car wash with a conditional use permit.
- (13) Catering establishment.
- (14) Church or place of religious worship.
- (15) Day care center or day nursery.
- (16) Drive-in theater with a conditional use permit.
- (17) Educational facilities.
- (18) Electronic charging station, as an accessory to off-street parking.
- (19) Equipment and machinery, heavy (over 12,000 pounds) rental or sales with accessory service. If used products only, then a conditional use permit is required.
- (20) Equipment and machinery, light (under 12,000 pounds) rental or sales with accessory service.
- (21) Farmer's market.
- (22) Financial institutions.
- (23) Firework sales with a conditional use permit.
- (24) Fuel station, with a conditional use permit.
- (25) Funeral home.
- (26) Garage, public parking.
- (27) Grocery stores. If over 25,000 square feet then a conditional use permit is required.
- (28) Hospital with a conditional use permit.

- (29) Hotel.
- (30) Indoor recreational facility.
- (31) Laundromat, laundry or dry cleaning.
- (32) Manufactured home and portable storage building sales with a conditional use permit.
- (33) Manufacturing, with a retail or public display component.
- (34) Media development or production studio.
- (35) Micro-Brewery/Distillery/Winery, with a retail or restaurant component.
- (36) Mini-storage facility with a conditional use permit.
- (37) Museum.
- (38) Offices.
- (39) Outdoor recreational facilities.
- (40) Park or playground with a conditional use permit.
- (41) Park-and-ride lot with a conditional use permit.
- (42) Personal service establishments.
- (43) Pet shop, including boarding kennels.
- (44) Private club or lodge, with a conditional use permit.
- (45) Public facilities.
- (46) Recreational equipment rental and sales with service as an accessory. If used only, then a conditional use permit is required.
- (47) Repair services.
- (48) Restaurants to include drive-in or fast food.
- (49) Retail sales establishment. If over 25,000 square feet then a conditional use permit is required.
- (50) Schools with a conditional use permit.
- (51) Shopping center with a conditional use permit.
- (52) Temporary uses with a conditional use permit.
- (53) Taxicab stand with a conditional use permit.
- (54) Towers and aerials at a maximum height of 100 feet with a conditional use permit. See standards for telecommunication towers, per Section 21-276.
- (55) Truck stop or terminal with a conditional use permit.
- (56) Theaters or assembly halls.
- (57) Utilities, major with a conditional use permit.
- (58) Utilities, minor.
- (59) Veterinary clinic or hospital.
- (60) Wholesale business.

(12-11-84; 10-22-91, § 1; 6-14-94, § 2; 4-25-96; 6-25-96; 6-23-98(2), § 1; 4-27-99(2), § 1; 2-22-00, § 3; 5-13-03; 6-10-03; 2-17-04, § A1; 4-19-05; 2-21-06(1); 3-20-07; 10-6-09)

Editors Note: Section 2 of an ordinance of June 14, 1994, amended § 21-101 by adding subsection (47) thereto. In order to avoid duplication of existing provisions, the editor has included these new provisions as § 21-101(48).

Similarly, § 8 of an ordinance of April 25, 1995, and an ordinance of June 25, 1996, amended § 20-101 by adding subsections (48)--(50). Since § 21-101 already contained a subsection (48), the editor has redesignated these provisions as subsections (49)--(51).

Sec. 21-101.1 Requirements for permitted uses.

(a) Repair and servicing of all equipment, vehicles, or other items shall take place within an enclosed building or structure.

(b) Outdoor storage of materials shall not be located in any front yard and must be fully screened from view of public right-of-way or adjacent residentially zoned property. Screening materials to be used shall be wood, vinyl, vegetation or other types of materials defined as screening in the Development Guidelines Handbook. No chain link fencing shall be installed from view of the public right-of-way or from adjacent residential property.

(c) Outdoor display shall be for the sale and display of seasonal or temporary merchandise as an incidental part of retail activities regularly conducted from a permanent building, provided that such merchandise is displayed in an orderly manner within sidewalk or courtyard areas located immediately adjacent to or upon the same lot or parcel as the primary use. A clear path of no less than 5 feet shall be maintained to ensure pedestrian and/or safety personnel access along sidewalks and areas of ingress/egress from structures. Any fencing visible from the public right of way shall be wooden, vinyl, or have an appearance similar to iron ornamental fencing, but may be fabricated from non-iron materials and no chain link fencing shall be installed from view of the public right-of-way. See article XXV for further definition between outdoor storage and display.

(d) No permanent exterior amplification devices or sound systems shall be used.

Sec. 21-102. Area regulations.

The minimum lot area shall be one-half acre, provided there shall be no minimum lot area requirement for public utilities, ~~parking areas~~, and parks and playgrounds.

(1-26-93, § 1; 4-27-99, § 1)

Sec. 21-103. Frontage regulations.

For permitted uses in this district, the minimum lot width shall be one hundred fifty (150) feet.

(1-26-93, § 1)

Sec. 21-104. Setback regulations.

The minimum **front** setback **for structures** shall be twenty-~~five (25)~~ (20) feet, from ultimate right of way provided that no building shall be required to have a setback greater than the average of the setbacks of existing buildings on each side of the lot. In no case shall fuel pump islands or canopies be provided with a setback of less than twenty-~~five (25)~~ (20) feet.

(1-26-93, § 1; 2-17-04, § A9; 5-17-05(1))

Sec. 21-105. Yard regulations.

(a) *Side*. The minimum width of each side yard for a main structure shall be zero (0) feet, except that when abutting a residential district in which case it shall be fifty (50) feet with a vegetative buffer **per standards established in Section 21-236**.

(b) *Rear*. The rear setback shall be twenty-~~five (25)~~ (20) feet except when abutting a residential district in which case it shall be fifty (50) feet with a vegetative buffer ~~per standards established in Section 21-236.~~

(1-26-93, § 1; 12-15-98, § 1; 5-17-05(2))

Sec. 21-106. Height regulations.

~~No~~ Any building or structure ~~shall~~ exceeding a height of thirty-five (35) feet from grade ~~unless otherwise provided for in this article.~~ shall be required to obtain a conditional use permit. See article XXV for supplemental height regulations.

(12-11-84; 12-15-98, § 1; 3-20-07)

Sec. 21-107. ~~Reserved.~~ Parking Lot Connectivity

~~Parking areas shall be designed to connect to similar adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The Zoning Administrator may waive the connection requirement upon finding that such connection is found to be impractical due to the existence of security concerns of business operation, or sensitive environmental features such as wetlands, floodplain, or forested area, that would be encumbered by the required connection of parking areas.~~

Editors Note: An ordinance adopted on Dec. 15, 1998, repealed and reserved section 21-30, which pertained to special provisions for corner lots.

Sec. 21-108. Site plan required.

A site plan shall be required as set forth in article XVII of this chapter.

(2-17-04, § A5)

Sec. 21-109. Landscape plan: landscaping, trees, buffers, and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

(2-17-04, § A3)

Sec. 21-109.1. Reserved.

Editors Note: An ordinance adopted February 17, 2004, § A6 repealed § 21-109.1 which pertained to buffer and screening adjacent to residential districts and derived from ordinances dated November 24, 1987, § 2 and December 15, 1998, § 1.

Sec. 21-110. Utilities.

All uses shall be constructed on properties served by public water and sewer systems and as provided for in chapter 20 of this Code.

Article XII. Neighborhood Commercial District B-4

Sec. 21-111. Statement of intent.

This district provides retail shopping and personal service uses to serve the needs of nearby residential neighborhoods and not characterized by frequent delivery or automobile activity. The location of this district may also serve as a transition from residential to other commercial or more intensive uses. The regulations for this district, through elements such as lighting, landscaping, signage, building design and layout, are designed to preserve the residential character of these areas and to guide transition by permitting limited additional uses in appropriate existing or new structures.

Sec. 21-112. Use regulations.

The following uses and structures shall be permitted in the Neighborhood Commercial District B-4:

~~—(a) Any use permitted in the R-2 (Limited Residential) District, using the regulations of the R-2 District.~~

~~—(b) Personal service uses including barbershop; beauty parlor; photographic or artist studio; taxicab stand; self-service laundromats or self-service dry cleaning establishment; dressmaking, tailoring; decorating; shoe repairing; repair of small household appliances or bicycles; retail bakery with sale of bakery products on premises only; undertaking establishments; provided that no individual use permitted in this item shall occupy more than two thousand five hundred (2,500) square feet of floor area.~~

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

~~—(d) Signs in accordance with article XX.~~

~~—(e) Off-street parking in accordance with article XIX.~~

~~—(f) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See article XXII of this chapter for underground utility requirements.~~

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

~~—(h) Parks and playgrounds, with a conditional use permit.~~

~~—(i) Day care centers or day nurseries.~~

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

~~—(k) Farmer's markets, with a conditional use permit.~~

- (1) Accessory uses as defined.
- (2) Adult day care with a conditional use permit.
- (3) Apartment, accessory with a conditional use permit.
- (4) Assisted living facilities with a conditional use permit.
- (5) Assisted care facility with a conditional use permit.
- (6) Bed and breakfast with a conditional use permit, per Section 21-262.
- (7) Churches and places of worship.
- (8) Community center with a conditional use permit.
- (9) Community garden.
- (10) Day care or day nursery with a conditional use permit.
- (11) Electronic charging station as an accessory to off-street parking.
- (12) Farmers market with a conditional use permit.
- (13) Funeral home with a conditional use permit.
- (14) Garage, public parking.

- (15) Home occupation.
- (16) Offices. If an individual use occupies more than two thousand five hundred (2,500) square feet of floor area, then with a conditional use permit.
- (17) Parks and playgrounds with a conditional use permit.
- (18) Public facilities with a conditional use permit.
- (19) Retail stores. If an individual use occupies more than two thousand five hundred (2,500) square feet of floor area, then with a conditional use permit.
- (20) Schools with a conditional use permit.
- (21) Single-family home, detached.
- (22) Taxicab stand with a conditional use permit.
- (23) Utilities, major with a conditional use permit.
- (24) Utilities, minor.

The following uses shall be permitted, provided that no individual use shall occupy more than two thousand five hundred (2,500) square feet of floor area:

- (25) Art gallery.
- (26) Artist studio.
- (27) Bakery, with a retail or restaurant component.
- (28) Educational facilities.
- (29) Grocery store.
- (30) Laundromat or self-service dry cleaning.
- (31) Media or production studio.
- (32) Museum.
- (33) Personal service establishment.
- (34) Pet shop, excluding boarding kennels.
- (35) Repair services.
- (36) Restaurants.

(4-25-95, § 9; 4-25-95, § 1; 12-10-96, § 10; 6-23-98(2), § 1; 12-15-98, § 1; 4-27-99(2), § 1; 2-17-04, § A1; 10-6-09)

Sec. 21-113. Area regulations.

There shall be no minimum lot area requirement in this district, except that the minimum lot area for single-family dwellings shall be ten thousand (10,000) square feet and the minimum lot area for convalescent centers shall be twenty thousand (20,000) square feet.

(1-26-93, § 2; 4-27-99, § 1)

Sec. 21-114. Setback regulations.

The minimum front setback for structures shall be ~~twenty-five (25) fifty (50) feet., provided that when no parking area or other area for circulation of vehicles is located between a building and the street line, a minimum setback or not less than thirty (30) feet may be provided. (See article XXIII for landscaping requirements and article XXV for supplemental yard regulations.)~~

(1-26-93, § 2; 12-15-98, § 1; 2-17-04, § A10)

Sec. 21-114.1. Frontage regulations.

The minimum width of any lot at the setback line shall be one hundred (100) feet.

(1-26-93, § 2)

Sec. 21-114.2. Yard regulations.

(a) *Side.* The minimum width of each side yard shall be twenty (20) ~~fifteen (15)~~ feet, and if adjacent to a residential zoned property, then a fifteen (15) foot vegetative buffer shall be provided per standards established in Section 21-236. ~~for a residential use and twenty-five (25) feet for a business or commercial use provided that the~~ The minimum street side yard for all buildings and structures shall be ~~twenty (20) fifty (50)~~ feet.

(b) *Rear.* The minimum rear yard for each main structure shall be twenty-five (25) feet with a ~~twenty (20) foot vegetative buffer per standards established in Section 21-236.~~

See article XXV supplemental yard regulations.
(1-26-93, § 2; 12-15-98, § 1)

Sec. 21-115. Height regulations.

No building or structure shall exceed a height of thirty-five (35) feet from grade. See article XXV for supplemental height regulations.
(12-15-98, § 1)

Sec. 21-116. ~~Reserved.~~ Parking Lot Connectivity

~~Parking areas shall be designed to connect to similar adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The Zoning Administrator may waive the connection requirement upon finding that such connection is found to be impractical due to the existence of security concerns of business operation, or sensitive environmental features such as wetlands, floodplain, or forested area, that would be encumbered by the required connection of parking areas.~~

Editors Note: An ordinance adopted on Dec. 15, 1998, repealed and reserved § 21-30, which pertained to special provisions for corner lots.

Sec. 21-117. Landscape plan: landscaping, trees, buffers, and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.
(2-17-04, § A3)

Sec. 21-117.1. Site plan required.

A site plan shall be required as set forth in article XVII of this chapter.
(8-11-87; 2-17-04, § A5)

Sec. 21-117-2. Reserved.

Editors Note: An ordinance adopted February 17, 2004, § A6 repealed § 21-117.2 which pertained to buffer and screening adjacent to residential districts and derived from ordinances dated November 24, 1987, § 3 and December 15, 1998, § 1.

Article XIII. Limited Industrial District M-1

Sec. 21-118. Statement of intent.

The intent of this district is to provide sufficient space in appropriate locations for certain types of manufacturing uses, relatively free from offense, in modern landscaped buildings, to make available more attractive locations for these industries, and to provide opportunities for employment closer to places of residence with corresponding reduction of travel time from home to work. Typical development in the district would be that which is commonly known as an "industrial park." In order to preserve the land for industry and to avoid future conflicts between industry and residence, future residential and commercial uses, **which could result in higher number of pedestrians, are prohibited. Being located along Route 1, this district serves as an important gateway to the community, thus improving its function through elements such as lighting, landscaping, signage, building design and layout, is an important economic goal for the Town.**

Sec. 21-119. Permitted uses.

Structures to be erected or land to be used shall be for the following uses:

- ~~—(1) The manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products; except fish and meat products, yeast, and the rendering or refining of fats and oils.~~
- ~~—(2) The manufacture, compounding, processing, packing or treatment of articles or merchandise from the following material which has been prepared beforehand; bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, shell, textiles, tobacco, wood, yarns and paint not employing a boiling process.~~
- ~~—(3) The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.~~
- ~~—(4) The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves and the like.~~
- ~~—(5) The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.~~
- ~~—(6) Assembly of electrical appliances, electronic instruments and devices, radios, television sets and phonographs, electroplating and the manufacture of small parts and components such as coils, condensers, transformers, crystal holders and the like.~~
- ~~—(7) Automobile painting, upholstering, rebuilding, reconditioning, engine testing and assembly, body and fender work, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.~~
- ~~—(8) Contractors' equipment and storage yards.~~
- ~~—(9) Machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and automatic screw machines.~~
- ~~—(10) Distribution plants, parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishment.~~
- ~~—(11) Reserved.~~
- ~~—(12) Laboratories: pharmaceutical, medical, experimental, photo or motion picture film or testing.~~
- ~~—(13) Laundry and cleaning works, carpet and run cleaning, and dyeing work.~~

- ~~—(14) Veterinary offices or hospitals and boarding kennels.~~
 - ~~—(15) Wholesale business, storage buildings and warehousing, including office warehouses.~~
 - ~~—(16) Fire stations.~~
 - ~~—(17) Rescue squad stations.~~
 - ~~—(18) Carpenter or cabinet shops.~~
 - ~~—(19) Feed and fuel distributors including storage, but not including grain elevators.~~
 - ~~—(20) Plumbing yard or storage.~~
 - ~~—(21) At the discretion of the landowner, poles, lines, towers, distribution or transmission lines or distribution transformers may be placed aboveground along the rear of said landowner's real estate as may be directed and approved by the zoning administrator; provided, however, that all utility lines and appurtenances thereto serving any improvements constructed on the real estate shall be placed and run underground from the location of the overhead or aboveground service to the site of the improvements. In no case, however, may such utilities placed aboveground be adjacent to a public road within the Town of Ashland or cross such a road. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See article XXII of this chapter for underground utility regulations.~~
 - ~~—(22) Public utility service yards and railroad spurs.~~
 - ~~—(23) Retail lumber yards, including only incidental mill work, sawmills, planing mills and kiln drying.~~
 - ~~—(24) Sheet metal shops.~~
 - ~~—(25) Office buildings.~~
 - ~~—(26) Accessory uses as defined.~~
 - ~~—(27) Off-street parking and loading areas in accordance with article XIX.~~
 - ~~—(28) Signs in accordance with article XX.~~
 - ~~—(29) Office trailers will be allowed while a permanent office is being constructed. Business may be conducted from this location for a period not to exceed twelve (12) months from the date of occupancy; an extension for a period not exceeding twelve (12) months may be approved by town council. If the building is completed before the twelve-month period expires, the occupants of this office trailer must move into the building within two (2) weeks of completion.~~
 - ~~—(30) Day nurseries and day care centers, with a conditional use permit.~~
 - ~~—(31) Machinery, equipment and truck sales and service.~~
 - ~~—(32) Banks and other financial institutions.~~
 - ~~—(33) Mini-storage facilities.~~
 - ~~—(34) Mini-warehouse facilities.~~
 - ~~—(35) Communication towers.~~
 - ~~—(36) Parks and playgrounds, with a conditional use permit.~~
 - ~~—(37) Truck terminals.~~
 - ~~—(38) Welding and soldering establishments.~~
 - ~~—(39) Funeral homes, with a conditional use permit.~~
 - ~~—(40) Manufacture of precast concrete products, with a conditional use permit.~~
 - ~~—(41) Passenger car rental establishments, accessory to a permitted use, with a conditional use permit.~~
 - ~~—(42) Adult day care services, with a conditional use permit.~~
- (1) Accessory uses as defined.
 - (2) Adult day care with a conditional use permit.
 - (3) Artist studio.
 - (4) Auction house.

- (5) Automobile, truck, or motorcycle rental or sales with accessory service, with a conditional use permit is required.
- (6) Automobile, truck, or motorcycle repair service station with a conditional use permit.
- (7) Bakery
- (8) Brewery, Distillery, or Winery
- (9) Building supplies and service.
- (10) Car wash with a conditional use permit.
- (11) Catering.
- (12) Day nursery or day care center with a conditional use permit.
- (13) Distribution center.
- (14) Drive-in theater with a conditional use permit.
- (15) Educational facility, as an accessory to a primary use.
- (16) Electric charging station, as an accessory to off-street parking.
- (17) Equipment and machinery, heavy (over 12,000 pounds) rental or sales with accessory service. If used products only, then a conditional use permit is required.
- (18) Equipment and machinery, light (under 12,000 pounds) rental or sales with accessory service.
- (19) Feed mill. See section 21-124 for height regulations.
- (20) Firework sales with a conditional use permit.
- (21) Financial institutions.
- (22) Funeral home with a conditional use permit.
- (23) Fuel station with a conditional use permit.
- (24) Garage, public parking.
- (25) Hospital with a conditional use permit.
- (26) Indoor recreational facilities.
- (27) Laboratory and research facility.
- (28) Laundry and cleaning.
- (29) Manufactured home and portable storage building sales.
- (30) Manufacturing, apparel, textiles, and fabric where raw materials are prepared off-site.
- (31) Manufacturing, basic chemicals or nonmetallic mineral production with a conditional use permit.
- (32) Manufacturing, food, beverage, tobacco, or agricultural products. If processing involves meat, fish, yeast, or the refining of fats, then a conditional use permit is required. Excludes brewery, distillery, or winery as they are defined separately.
- (33) Manufacturing, computer and electronic products, equipment, appliance and components.
- (34) Manufacturing, machinery or fabricated metal products. If operation includes the use of a punch press over twenty (20) tons rated capacity, then a condition use permit is required.
- (35) Manufacturing, paper and wood products. Outdoor paper mills are not permitted. Outdoor sawmills, planing or wood cutting with a conditional use permit.
- (36) Manufacturing, leather and allied products where raw materials are prepared off-site. If processing involves leather and hide tanning and finishing, then a conditional use permit is required.

- (37) Manufacturing, furniture, pottery, cabinets, and other related products where raw materials are prepared off-site. Pottery products using kilns fired by gas or electricity.
- (38) Manufacturing, plastics and rubber products.
- (39) Manufacturing, printing and related support activities.
- (40) Manufacturing, transportation equipment. If products are equipment, heavy (over 12,000 lbs), then a conditional use permit is required. Testing of jet engines or rockets is not permitted.
- (41) Media development or production studio.
- (42) Micro-Brewery/Distillery/Winery
- (43) Mini-storage with a conditional use permit.
- (44) Office trailers will be allowed while a permanent office is being constructed. Business may be conducted from this location for a period not to exceed twelve (12) months from the date of occupancy; an extension for a period not exceeding twelve (12) months may be approved by town council. If the building is completed before the twelve-month period expires, the occupants of this office trailer must move into the building within two (2) weeks of completion.
- (45) Offices.
- (46) Outdoor recreational facilities with a conditional use permit.
- (47) Park-and-ride lot.
- (48) Parks and playgrounds with a conditional use permit.
- (49) Public facilities.
- (50) Railroad spur, tracks and accessory facilities.
- (51) Repair services.
- (52) Restaurants.
- (53) Temporary uses with a conditional use permit.
- (54) Taxicab stand with a conditional use permit.
- (55) Towers and aerials with a conditional use permit. See standards for telecommunication towers, per Section 21-276.
- (56) Truck stop or terminal with a conditional use permit.
- (57) Utilities, major with a conditional use permit.
- (58) Utilities, minor.
- (59) Veterinary hospital or clinic.
- (60) Wholesale business.

(2-11-84; 6-10-86, § 1; 4-25-95, § 10; 6-25-96, § 2; 12-10-96, § 11; 2-17-04, § A1; 3-15-05; 1-17-06; 2-21-06(2); 3-20-07; 10-18-07; 12-15-09)

Sec. 21-120. Requirements for permitted uses.

~~—(a) Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence or evergreen hedge not less than six (6) feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing any materials.~~

~~—(b) Sufficient area shall be provided to adequately screen permitted uses from adjacent business and residential districts.~~

(a) Repair and servicing of all equipment, vehicles, or other items shall take place within an enclosed building or structure, unless specified in Section 21-119.

(b) Outdoor storage of materials shall not be located in any front yard and must be fully screened from view of public right-of-way or adjacent residentially zoned property. Screening materials to be used shall be wood, vinyl, vegetation or other types of materials defined as screening in the Development Guidelines Handbook. No chain link fencing shall be installed from view of the public right-of-way or from adjacent residential property.

(c) Outdoor display shall be for the sale and display of seasonal or temporary merchandise as an incidental part of retail activities regularly conducted from a permanent building, provided that such merchandise is displayed in an orderly manner within sidewalk or courtyard areas located immediately adjacent to or upon the same lot or parcel as the primary use. A clear path of no less than 5 feet shall be maintained to ensure pedestrian and/or safety personnel access along sidewalks and areas of ingress/egress from structures. Any fencing visible from the public right of way shall be wooden, vinyl, or have an appearance similar to iron ornamental fencing, but may be fabricated from non-iron materials and no chain link fencing shall be installed from view of the public right-of-way. See article XXV for further definition between outdoor storage and display.

(d) No permanent exterior amplification devices or sound systems shall be used.

(6-23-98(2), § 1)

Sec. 21-121. Area regulations.

The minimum lot area shall be one acre, provided there shall be no minimum lot area requirement for public utilities, public utility service yards, railroad spurs, ~~parking areas,~~ towers and aerials, and parks and playgrounds.

(1-26-93, § 3; 4-27-99, § 1)

Sec. 21-121.1. Frontage regulations.

The minimum width of any lot at the setback line shall be one hundred fifty (150) feet.

(1-26-93, § 4)

Sec. 21-122. Setback regulations.

The minimum ~~front~~ setback for structures shall be ~~thirty-five (35) fifty (50)~~ feet. ~~provided that when no parking area or other area for circulation of vehicles is located between a building and the street line, a minimum setback or not less than thirty (30) feet may be provided. (See article XXIII for landscaping requirements and article XXV for supplemental yard regulations.)~~

(1-26-93, § 3; 12-15-98, § 1; 2-17-04, § A11)

Sec. 21-123. Yard regulations.

(a) *Side.* The minimum width of each side yard shall be ~~twenty (20) twenty-five (25)~~ feet, except that when a use is abutting a residential district, there shall be a side yard of not less than fifty (50) feet with a ~~vegetative buffer per Section 21-236. minimum of fifteen (15) feet unobstructed.~~ The minimum street side yard for all buildings and structures shall be ~~twenty (20) fifty (50)~~ feet.

(b) *Rear.* The minimum rear yard for each main structure shall be ~~twenty (20) fifty (50)~~ feet, except that when a use is abutting a residential district, there shall be a rear yard of not less than one hundred (100) feet ~~with a vegetative buffer per Section 21-236.~~

See article XXV for supplemental yard regulations.

(10-8-85, § 1; 1-26-93, § 3; 6-23-98(2), § 1; 12-15-98, § 1)

Sec. 21-124. Height regulations.

(a) No building or structure shall exceed a height of ~~forty-five (45) thirty-five (35)~~ feet from grade, unless specified elsewhere in this chapter.

(b) Additional height for buildings or structures exceeding ~~forty-five (45) thirty-five (35)~~ feet may be permitted, with a conditional use permit, provided that:

(1) All portions of a building or structure over ~~forty-five (45) thirty-five (35)~~ feet in height are set back from properties designated for residential use by the Comprehensive Plan a minimum of three (3) feet for each one (1) foot of height.

(2) All portions of a building or structure over ~~forty-five (45) thirty-five (35)~~ feet in height are set back from all public rights-of-way a minimum of two (2) feet for each one (1) foot in height.

(3) All portions of a building or structure over ~~forty-five (45) thirty-five (35)~~ feet in height are set back from all other property lines a minimum of one (1) foot for each one (1) foot in height.

(4) These provisions shall not apply to communications towers.

(c) No communications tower shall exceed a height of one hundred (100) feet from grade, unless otherwise specified in this chapter. Additional height for communications towers exceeding one hundred (100) feet may be permitted with a conditional use permit.

(12-11-84; 6-23-98(2), § 1; 12-15-98, § 1; 3-20-07; 10-18-07; 6-19-12)

Sec. 21-125. Utilities.

All uses shall be constructed on properties served by public water and sewer systems and as provided for in chapter 20 of this Code.

Sec. 21-125.1. Site plan required.

A site plan shall be required as set forth in article XVII of this chapter.

(2-17-04, § A5)

Sec. 21-125.2. Landscape plan: landscaping, trees, buffers, and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

(2-17-04, § A3)

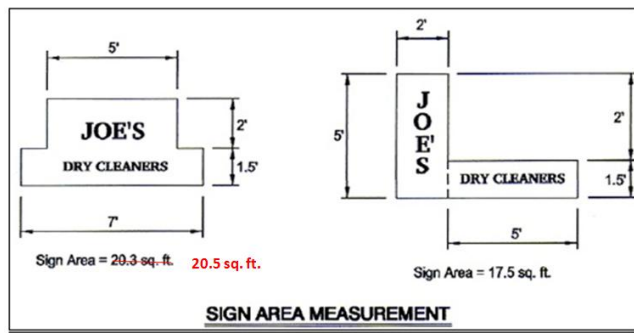
Sec. 21-125.3. ~~Reserved.~~ Parking Lot Connectivity

Parking areas shall be designed to connect to similar adjoining parcel(s) via a stub-out to the property line(s) with the objective of providing internal vehicular and pedestrian access between neighboring commercial parcels. The Zoning Administrator may waive the connection requirement upon finding that such connection is found to be impractical due to the existence of security concerns of business operation, or sensitive environmental features such as wetlands, floodplain, or forested area, that would be encumbered by the required connection of parking areas.

Editors Note: An ordinance adopted February 17, 2004, § A6, repealed § 21-125.2 which pertained to buffer and screening adjacent to residential district and derived from ordinances dated November 24, 1987, § 4 and December 15, 1998, § 1.

Article XX. Signs

Sec. 21-207.1. General provisions.



Sec. 21-208. Signs permitted.

~~(c) Only the following signs are permitted in RO-1 district³:-~~

| Type of Sign | Number Allowed | Maximum Sign Area | Maximum Sign Height |
|---------------|----------------|-------------------|---------------------|
| Attached sign | 1 per lot | 12 square feet | N/A |

| | | | |
|----------------------------------|---|---------------------------|-------------------|
| Freestanding sign | 1 per lot | 16 square feet | 8 feet |
| Neighborhood sign | 1 at each street entrance but not more than 2 total | 32 square feet | 6 feet |
| Temporary sign | *as allowed according to temporary sign definition within this article | * | * |
| Home occupation sign | 1 per lot | 2 square feet | N/A |
| Awning sign | 1 per lot | 25 square feet | N/A |
| Directory sign | 1 per lot | 6 square feet | N/A |
| Window sign | *as allowed according to window sign definition within this article | * | * |
| Traffic control signs | 2 per entrance | 4 square feet | 5 feet |

³~~Signage within the RO-1 district may not be illuminated in any way.~~

~~(d)~~ (c) Only the following signs are permitted in HE and PUD districts⁴:

~~(e)~~ (d) Only the following signs are permitted in B-2, ~~B-4~~, M-1, and PSC districts⁵:

~~(f)~~ (e) Only the following signs are permitted in ~~B-4~~, B-1, and ~~or~~ B1-D district⁶:

| Type of Sign | Number Allowed | Maximum Sign Area | Maximum Sign Height |
|--|--------------------------------|---|-------------------------|
| Attached sign | Two shapes per street frontage | 1.5 square feet for each linear foot of building/business frontage, not to exceed 120 square feet | N/A |
| Monument-type freestanding sign (only if building is setback a minimum of 10 feet) | 1 per lot | 30 square feet | 8 feet |
| Electronic changeable copy for fuel price display | See Monument sign above | See Monument sign above | See Monument sign above |

| | | | |
|--|--|--|---------|
| Directional sign | 1 per lot | 4 square feet | 5 feet |
| Fuel pump sign | 1 per each face of a fuel pump | 2 square feet | N/A |
| Projecting sign | 1 per lot business | 1 square foot for each linear foot of building/business frontage, not to exceed 16 square feet | None |
| Awning sign | 1 per lot N/A | 25 square feet | N/A |
| Directory sign | 1 per lot | 6 square feet | N/A |
| Marquee sign | *as allowed according to marquee sign definition within this article | 48 square feet per side | N/A |
| Window sign | *as allowed according to window sign definition within this article | * | * |
| Gas station canopy sign | N/A | No more than 25 square feet per side | N/A |
| Temporary sign | *as allowed according to temporary sign definition within this article | * | * |
| Shared sign, monument mounted and as an accessory to a shopping center | *as allowed according to shared sign definition within this article | 120 square feet | 18 feet |
| Traffic control sign | 2 per entrance | 4 square feet | 5 feet |
| A-frame sign | 1 per lot | 6 square feet | 3 feet |

⁶Signage within the B-1 or B1-D district may not be internally illuminated.

(5-3-78, § 22-2; 5-12-81; 6-10-86; 6-23-98(2), § 1; 2-17-04)

Article XXI. Administrative Bodies and Their Responsibilities

Sec. 21-220. Board of zoning appeals: officers, rules, records, and meetings.

(g) *Public hearings.* The board of zoning appeals shall make no decision on any application or appeal until it has conducted a public hearing in accordance with this article, and after giving public notice as required by the provisions of section 15.2-~~2304~~ 2204 of the Code of Virginia, 1950, as amended. Such notice provisions shall be incorporated in or attached to the board's rules. A quorum of not less than three (3) members of the board shall be required for the conduct of any hearing and the taking of any action.

(6-23-98, § 1)

Sec. 21-221. Powers and duties of the board of zoning appeals.

Pursuant to section 15.2-2309 of the Code of Virginia, 1950, as amended, the board of zoning appeals shall have the following powers and duties.

(b) *Variance.* The board shall have the power to authorize upon application in specific cases, such variance as defined in section 15.2-2201 of the Code of Virginia, 1950, as amended, from the terms of this chapter as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, provided that the spirit of this chapter shall be observed and substantial justice done. All variances shall be in harmony with the intended spirit and purpose of this chapter. The board shall grant a variance only:

1. When a property owner can show that his or her property was acquired in good faith; and

2. Where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property at the time of the effective date of this chapter or subsequent amendment thereto, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the condition, situation, or development of property immediately adjacent thereto, the strict application of the terms of this chapter would effectively prohibit or unreasonably restrict the utilization of the property; or

3. Where the board is satisfied, upon the evidence heard by it, that the granting of such variance will alleviate a clearly demonstrable hardship ~~approaching confiscation~~, as distinguished from a special privilege or convenience sought by the applicant, ~~provided that all variances shall be in harmony with the intended spirit and purpose of the ordinance.~~

4. ~~No such variance shall be authorized by the board unless it finds: When the board finds that:~~

a. The strict application of ~~this chapter the ordinance~~ would produce undue hardship ~~relating to the property;~~

b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity as the subject property;

c. The authorization of such variance will not be of substantial detriment to adjacent property, and the character of the district will not be changed by the granting of the variance; and

d. The condition or situation of the property concerned is not of so general or recurring nature as to make reasonably practicable the formulation of a general regulation to be adopted by the town council as an amendment to ~~this chapter~~ the ordinance.

No variance granted by the board shall include a change in use. In authorizing a variance, the board may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be satisfied.

(6-23-98(2), § 1)

Article XXII. Landscaping

Sec. 21-232. Tree preservation and planting.

(a) *Applicability.* The tree preservation and tree planting requirements set forth in this section shall apply to all uses in all districts, except that the requirements shall not apply to single-family detached dwellings or to farmland, designated wetlands, dedicated school sites, playing fields and other nonwooded recreation areas, and other facilities and uses of a similar nature. In the case of development existing at the effective date of these provisions, the requirements of this section shall apply when there is a change in use of the property, or where the main building on the property is enlarged by a cumulative total of more than ten (10) percent of the gross floor area of the original building, or more than one thousand (1,000) square feet, whichever is less.

(b) *Tree coverage requirements.* Existing trees shall be preserved or additional trees shall be planted on each lot, and shall be of such species, size and number as to provide an estimated canopy with twenty (20) years after approval of the landscape plan of not less than the following:

- (1) Lots in RR-1, R-1, R-2, R-3, R-4, RO-1 and PMH districts: Twenty (20) percent of the lot area; ~~except that lots devoted to office use in the RO-1 district: Ten (10) percent of the lot area;~~
- (2) Lots in R-5 and PUD districts: Fifteen (15) percent of the lot area;
- (3) Lots in B-1, B-2, M-1, HE, PSC and POB districts: Ten (10) percent of the lot area.

~~Tree coverage requirements for a residential development consisting of multiple lots for single-family detached dwellings shall apply. The canopy requirement shall be achieved through a cumulative coverage of the combined lots or development area, and not on an individual lot basis.~~

(c) *Credit for preservation of existing trees.* Healthy existing trees must be preserved to the extent possible as determined by the zoning administrator. Existing trees on the lot shall be credited toward the tree coverage requirement when such trees meet the other requirements of this section, are shown on the approved landscape plan and are adequately protected during construction, provided such trees have a reasonable expectation of survival as determined by the zoning administrator from material contained in the Development Guidelines Handbook or additional supporting data submitted with the landscape plan. Existing trees infested with disease or insects or structurally damaged to the extent that they pose a hazard to persons or property, or to the health of other trees on site, shall not be included to meet the tree cover requirements.

(d) *Location of trees.* Trees to be credited toward the tree coverage requirement may be located anywhere on a lot, provided such trees are reasonably dispersed throughout portions of the lot not covered by buildings or paved areas. Existing trees to be preserved and trees to be planted to satisfy parking lot landscaping requirements and street tree requirements of this article shall be credited toward the tree coverage requirement, except that existing trees within public rights-of-way shall not be so credited.

(e) *Minimum tree sizes.* Trees to be credited toward the tree coverage requirement shall meet the following standards at the time of planting or, in the case of existing trees to be preserved, shall meet the following standards at the time of completion of development on the site:

- (1) Large deciduous trees: Minimum two and one-half (2 1/2) inches caliper;
- (2) Small deciduous trees: Minimum five (5) feet height;
- (3) Evergreen trees: Minimum five (5) feet height.
- (4) Each type of tree chosen must provide a canopy of at least two hundred fifty (250) square feet after twenty (20) years.

(f) *Determining projected tree coverage, acceptable species and other standards.* Projected tree coverage, acceptable species, accepted means of protecting existing trees and other standards and guidelines for tree preservation and tree planting shall be determined in accordance with the tree canopy matrix and other material included in the Development Guidelines Handbook. Otherwise acceptable tree species or larger trees not shown on the tree canopy matrix may be given credit toward the tree coverage requirement when supporting data adequate to determine coverage is provided to and accepted by the zoning administrator.

(g) *Calculating tree canopy coverage: Exceptions to calculating total lot or disturbed area may be granted by the zoning administrator for land devoted to the following:*

- (1) To allow for the reasonable development of farm land or other areas devoid of woody materials; or

- (2) Dedicated school sites, playing fields and other non-wooded recreation areas, and other facilities and uses of a similar nature; or
- (3) To allow for the preservation of wetlands; or
- (4) When strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

(10-8-85; 9-22-87; 2-17-04)

Sec. 21-235. Parking area landscaping.

(e) *Peripheral landscaping.* Landscaped areas of not less than five (5) feet in width shall be provided so as to separate off-street parking areas from abutting property, except that this requirement shall not apply where buffer or screening requirements set forth in section 21-236 of this article impose a greater standard, or along a mutual lot line that is subject to a recorded cross-easement enabling vehicle access between abutting lots. Peripheral landscaping shall consist of a continuous planting of trees, shrubs, vegetative ground cover, other plant material, or combinations thereof, and may contain walkways incidental to such landscaping and providing pedestrian access between abutting properties. Peripheral landscaping shall be protected from encroachment by vehicles by curbs, wheel stops or other approved features, and shall not include any portion of a required parking space.

Article XXV. Supplemental Regulations

Sec. 21-266. General lighting standards.

The ~~following general~~ standards shall apply to all outdoor lighting provided for uses that are subject to the site plan requirements of article XVII of this chapter ~~or require a building or electrical permit and are located on non-single family residentially zoned property, unless specifically exempted herein.~~ In addition ~~to the following~~, all outdoor lighting shall comply with the standards and guidelines contained in the Development Guidelines Handbook. Lighting standards shall be indicated ~~on all site plans~~ in sufficient detail to determine compliance with the provisions of this section. (See article XX for sign lighting provisions).

(a) ~~Continuation of a Nonconforming uses.~~ Any existing luminaire or lighting installation used for outdoor lighting in any zoning district that does not presently comply with the requirements of this section will be considered a non-conforming use. Except as set forth in sections (b) and (c), such nonconforming uses may be continued.

(b) *Criteria requiring compliance with certain sections or removal.* Any nonconforming luminaire or light installation existing on any zoning lot must comply with the requirements of sections (d), (e), (f), (g), (h), and (i) or must be removed within 30 days if any of the following criteria are met:

1. The height or location of the luminaire is changed; or

2. The supporting structure for the luminaire is changed or replaced except if it is part of a parking lot lighting installation consisting of an array of three (3) or more identical luminaires and poles or supporting structures; or

3. The luminaire is producing glare that is deemed by the town to create a hazard or nuisance.

(c) *Criteria requiring full compliance or complete removal.* In the event any of the following criteria are met:

1. A cumulative total of twenty-five (25) percent or more of the non-conforming luminaires or their supporting structures are changed, replaced (excluding routine maintenance and bulb replacement of equal light output), or relocated; or

2. A principal structure on said zoning lot is expanded by an amount equal to or greater than twenty-five (25) percent of the total square footage of the structure immediately prior to such expansion.

Sec. 21-268. Mechanical units.

(1) Ground and roof mounted mechanical equipment, **which does not include solar energy equipment**, shall be screened from view from a public street or other public place, from adjacent lots in a residential district, and from an adjacent lot containing a residential use, by one or more of the following:

- (a) An element of the building;
- (b) A separate, permanently installed screen or solid structure harmonizing with the building in material, color, size and shape that does not extend more than twelve (12) inches above the height of such equipment; or
- (c) A landscape buffer.

(2) Roof mounted equipment penthouses and mechanical equipment shall be set back from the front wall of the building one (1) foot for each one (1) foot of height above the roof level.

(3) This section shall not apply to heat pumps and air conditioning units for single-family dwellings when the equipment is located in side or rear yards.

(4) Article XVIII, nonconforming uses and features, section 21-193 shall govern the status of existing equipment that is nonconforming.

(11-16-04; 4-30-12)

Sec. 21-277. Electric vehicle charging stations.

Electric vehicle charging stations, as defined in Section 21-3, shall be permitted as an accessory use to off-street parking in non-single-family residentially zoning districts. Charging of electric vehicles is permitted in single-family detached residentially zoned property, when incidental to the primary use, and not for commercial purposes.

Secs. 21-~~277~~ 278—21-299. Reserved.

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:

Planning Commission:
Herald Progress:

Town Council:
Herald Progress:

Public Hearing:

Planning Commission:
Town Council:

Adopted:

April 21, 2014

Effective:

April 21, 2014

Dr. George Spagna, Mayor