

## ORD2017-02 Residential Zoning Update

ORD2017-02 IS A SUBSTANTIAL REWRITE TO ALL THE RESIDENTIAL ZONING DISTRICTS (RR-1, RRC, R-1, R-2, R-3, R-4, AND R-5) IN ASHLAND AND CITIZENS ARE ENCOURAGED TO OBTAIN A COMPLETE COPY FOR FULL INFORMATION.

AN ORDINANCE WHICH AMENDS THE ASHLAND TOWN CODE, CHAPTER 21, "ZONING," BY AMENDING INTENT STATEMENTS AND REGULATIONS BY ADDING AND REMOVING CERTAIN RESIDENTIAL USES, DECREASING MINIMUM AREA FOR LOTS, DECREASING SETBACKS FOR BUILDINGS IN THE SIDE YARD AND FRONT, ADDING A STREET TREE REQUIREMENT FOR SINGLE-FAMILY HOME DEVELOPMENT, SPECIFYING QUALITY IN OPEN SPACE, LIMITING MULTI-FAMILY DWELLINGS TO TWELVE (12) UNITS, AND SCREENING IN MULTI-FAMILY DEVELOPMENTS TO BLOCK VIEW OF OFF-STREET PARKING.

ORD2017-02 WOULD ALSO ADD REGULATIONS FOR A STREET FACING ENTRANCE ON ALL RESIDENTIAL BUILDINGS, REQUIRING THAT CINDERBLOCK NOT BE VIEWABLE AS AN EXTERIOR BUILDING MATERIAL, REQUIRING BUILDING MATERIALS ON FAÇADE TO BE SIMILAR ON ALL SIDES, AND A FIFTEEN-PERCENT (15%) MINIMUM WINDOW PERCENTAGE ON THE STREET FACING FAÇADE FOR ALL NEW RESIDENTIAL DEVELOPMENT, TO THE FOLLOWING ZONING DISTRICTS: ARTICLE III. "RURAL RESIDENTIAL (RR-1)," DIVISION 2 "RURAL RESIDENTIAL CLUSTER (RRC) OPTION," ARTICLE IV "RESIDENTIAL RESTRICTED DISTRICT (R-1)," ARTICLE V "RESIDENTIAL LIMITED DISTRICT (R-2)," ARTICLE VI "RESIDENTIAL MEDIUM (R-3)," ARTICLE VII "RESIDENTIAL MEDIUM-HIGH DISTRICT (R-4)," ARTICLE VIII "RESIDENTIAL MULTIFAMILY DISTRICT (R-5). ADDITIONAL AMENDMENTS INCLUDE CLARIFYING OPEN SPACE DEFINITIONS FOR ARTICLE 1. "IN GENERAL," SEC. 21-3 "DEFINITIONS." FOR ARTICLE VI "RESIDENTIAL MEDIUM (R-3)."

THIS ORDINANCE WOULD USE INCENTIVE ZONING, AS DEFINED IN VIRGINIA CODE SECTION [15.2-2286\(A\)\(10\)](#), TO ALLOW FOR A REDUCTION TO A MINIMUM LOT AREA OF EIGHT THOUSAND (8,000) SQUARE FEET IF SIXTY PERCENT (60%) OF INCENTIVE ZONING ELEMENTS ARE MET AND A REDUCTION TO A MINIMUM LOT AREA OF SIX THOUSAND (6,000) SQUARE FEET IF EIGHTY PERCENT (80%) OF INCENTIVE ZONING ELEMENTS ARE MET. THE DENSITY MAXIMUM FOR THE NEW ZONING DISTRICT, ARTICLE IX "RESIDENTIAL INCENTIVE (Rin)," WOULD BE FOUR (4) UNITS PER ACRE.

BE IT ORDAINED by the Ashland Town Council that the Ashland Town Code, Chapter 21, "Zoning," be amended to read as follows:

### "ARTICLE 1 IN GENERAL

#### Sec 21-3 Definitions

1. *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.
2. *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.
3. *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:

1. *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.
2. *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.
3. *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 pool room 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 or care 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.* 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.

*Automobile, Distribution.* The distribution and temporary storage of items defined as Automobile, 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. Business examples in this definition include, but are not limited to, automobile repossession and towing companies. Due to the ability to negatively impact the health, safety, and welfare of neighboring properties and the Town, the following are requirements must be met:

1. Outdoor storage areas must be a minimum 50' setback from the public right-of-way; and
2. No repossessed automobiles or any other automobiles inside the gated area should be visible from any public right-of-way; and
3. Outdoor storage excludes storage of vehicle parts, such as tires or engines; and
4. A record system, whether it be paper or electronic, shall be made available for review by the Town of Ashland at any time for make, model, and serial number for all parts purchased or sold as well as for repair work performed.

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

*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.

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

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

*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 ½) 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.

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

*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).

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

*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. **Events or fundraisers for a non-profit, such as weddings or bingo, shall be permitted as an accessory use.**

*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.

*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.

*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.

*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.

*Day care center, adult.* A facility providing care, protection, recreation, and therapeutic services to four (4) or more for disabled or elderly adults who reside elsewhere. Licensed by the State Board of Health or Department of Mental Health, Mental Retardation and Substance Abuse Services. Adult day care services are not intended to include any services provided as part of a probationary program or a substance abuse program.

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

*Dwelling, cottage court.* A collection of single-family detached dwellings arranged around and fronting on a common green space, instead of individual street frontage, with utilities and other improvements being designed to permit individual and separate ownership of such lots and dwelling units.

*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 **on once parcel of land**. Also, referred to as a duplex.

*Dwelling, single-family, attached.* A single-family dwelling attached to one other one-family dwelling by a common vertical wall **with a zero (0) setback line between two (2) lots**.

*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.

*Dwelling, townhome.* A group or row of not less than three (3) single-family dwelling units, **but not more than a group or row of six (6) units ~~being one of a group 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.

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

*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.

*Extended stay permit.* A permit issued by the Town of Ashland that enables a hotel or motel that meets the proper requirements set forth in Chapter 20 of the Ashland Town Code to permit guests to stay at the hotel or motel for more than 29 consecutive days, but less than 90 consecutive days in a six month period.

*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, 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.

~~*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.

*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 ATC chapter 21, article XXV, supplemental regulations, which standards are intended to distinguish such activity from other business uses and to ensure compatibility with nearby residential uses.

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

*Hotel/motel.* A building or group of attached or detached buildings in which temporary lodging up to a maximum of twenty-nine days in a six month period 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. A hotel/motel that meets the requirements for an Extended Stay Permit may provide lodging for some of its guests for less than 90 consecutive days within a six month period of time in accordance with Chapter 20 of the Ashland Town Code.

~~*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.

*Kennel.* 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.

*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.

*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 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 contribute 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 ATC Chapter 9.1.

*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.

*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. ~~This shall include common uses and recreational structures associated with active play and recreation, such as, but not limited to, playgrounds, community gardens, walkways, trails, recreation fields, basketball court, picnic tables and shelters, gazebo, tennis court, and equipment storage sheds.~~ 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.

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

*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.

~~*Recreational facility, indoor.* 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.~~

~~*Recreational facility, outdoor.* 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.~~

*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, **RRC**, 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.

*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."

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

1. 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 glares and housed to prevent damage or danger.
2. For a 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, 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.

*Sign, abandoned.* Any sign which:

1. 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
2. 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

3. 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 oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, oscillate 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 re-arranged manually or mechanically with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign.

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

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

1. A solid structure made of brick, stone, concrete or similar durable type of material; or
2. Constructed on or connected directly to a solid supporting foundation made of brick, stone, concrete or similar durable type of material, with no separation between the sign and the base.

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

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

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

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

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

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

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

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

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

1. *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.

2. *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.
3. *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.
4. *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.
5. *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.
6. *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.
    1. In no case may a site or storefront have more than two (2) temporary banners.
    2. In no case shall a temporary banner be larger than twenty (20) square feet in size.
    3. 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.
    4. 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.

*Site plan.* A drawing illustrating a proposed development and prepared in accordance with the specifications of ATC chapter 21, 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 ATC 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:
  1. Human genitals, pubic region;
  2. Buttock; and
  3. 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 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.

## ARTICLE III RURAL RESIDENTIAL DISTRICT RR-1

### Sec 21-23 Statement Of Intent

The purpose of this district is to allow for large lot residential development, limited agricultural uses and other open space uses. This district is also intended for protection of watersheds, water resources, forest areas, and scenic values.

### Sec 21-24 Use Regulations

The following uses and structures shall be permitted in the Rural Residential District RR-1:

- ~~1. Single-family dwellings, detached.~~
- ~~2. Limited agriculture, including temporary stands for seasonal sale of products raised on premises.~~
- ~~3. Accessory uses and structures as defined in ATC chapter 21, article I.~~
- ~~4. Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including railroads and their facilities. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See ATC article XXII of this chapter for underground utility requirements.~~
- ~~5. Preserves and conservation area.~~
- ~~6. Forestry operations including the temporary use of sawmills, timbering operation and wood storage incidental to the forestry operations for a period not to exceed ninety (90) days.~~
- ~~7. Parks and playgrounds, with a conditional use permit.~~
- ~~8. Cemeteries, with a conditional use permit.~~
- ~~9. Golf courses, with a conditional use permit.~~
- ~~10. Churches, and other places of worship. Not for-profit accessory uses such as day-care centers, schools, bingo establishments and community centers, with a conditional use permit.~~
- ~~11. Signs in accordance with ATC chapter 21, article XX.~~
- ~~12. Off-street parking in accordance with ATC chapter 21, article XIX.~~
- ~~13. Public and private forest, wildlife reservations or similar conservation projects.~~
- ~~14. Towers and aerials, not to exceed sixty (60) feet in height; over sixty (60) feet in height with a conditional use permit.~~
- ~~15. Home occupations.~~
- ~~16. Public buildings with related facilities, with a conditional use permit.~~

- ~~17. Bed and breakfast, with a conditional use permit and in accordance with the provisions of ATC article XXV of this chapter.~~
- ~~18. Public schools and private schools having substantially the same curriculum as public schools, with a conditional use permit.~~
- ~~19. Community centers as defined in ATC article I, with a conditional use permit.~~
- ~~20. Accessory apartments, in accordance with ATC article XXV of this chapter, and with a conditional use permit to be reviewed every five (5) years to assure compliance with the original conditions.~~
- ~~21. Adult day care services, when accessory to a church or community center, with a conditional use permit.~~

1. Accessory uses as defined
2. Agriculture, Limited, to include temporary stands for seasonal sale of products raised on premises
3. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
4. Cemetery, with a conditional use permit
5. Church or Place of Religious Worship
6. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
7. Community Garden, over one (1) acre with a conditional use permit
8. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
9. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
10. Dwelling, Accessory Apartment, with a conditional use permit
11. Dwelling, Single-Family Detached
12. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
13. Home occupation
14. Parks, over one (1) acre with a conditional use permit.
15. Public Facilities, with a conditional use permit
16. Schools, with a conditional use permit
17. Timbering and wood storage not over 30 days
18. Towers and Aerials, if over 60' with a conditional use permit
19. Utilities, Major, with a conditional use permit
20. Utilities, Minor

#### Sec 21-25 Area Regulations

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

#### Sec 21-26 Setback Regulations Reserved

~~The minimum front setback shall be fifty (50) feet. See ATC chapter 21, article XXV for supplemental yard regulations.~~

#### Sec 21-27 Frontage Regulations

The minimum width of any lot at the setback shall be two hundred (200) feet.

#### Sec 21-28 Yard Regulations

1. ~~*Front.* The minimum front setback shall be fifty (50) feet. See ATC chapter 21, article XXV for supplemental yard regulations.~~
2. *Side.* The minimum width of each side yard, including street side yards, shall be fifty (50) feet.
3. *Rear.* There shall be a rear yard of not less than fifty (50) feet.

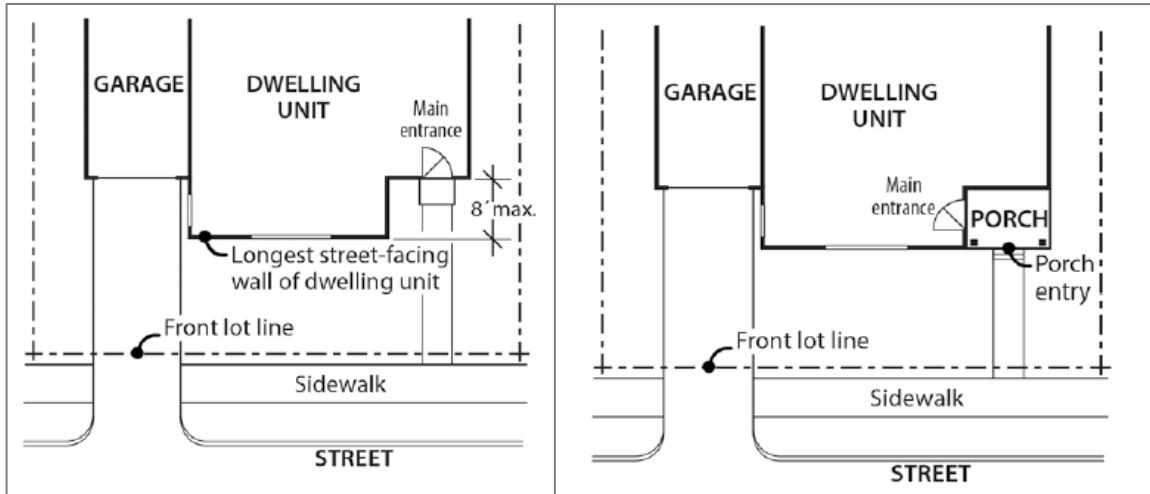
See ATC chapter 21, article XXV for supplemental yard regulations. See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.

#### Sec. 21-28.1 Structure Regulations

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

#### Sec 21-29 Height Regulations

1. No building or structure shall exceed a height of thirty-five (35) feet from grade. See ATC chapter 210, article XXV for supplemental height regulations.
2. No accessory structure may be built for an accessory apartment that exceeds the height of the main structure after September 28, 1999.

#### Sec 21-29.1 Site Plan Required

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

#### Sec 21-30 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 ATC article XXIII of this chapter.

## DIVISION 2 RURAL RESIDENTIAL CLUSTER (RRC) OPTION

### Sec 21-30.1 Purpose And Applicability

1. The purpose of the Rural Residential Cluster (RRC) provisions is to provide an alternative form of subdivision development that is optional on qualifying sites located within the Rural Residential District RR-1. The RRC provisions permit higher overall density of residential development than generally permitted in the RR-1 District by enabling the clustering or grouping of individual building lots of smaller size than generally permitted, and shall be reserved for purposes of common open space, natural buffers, agricultural or forestal use or preservation of environmentally sensitive lands or devoted to other amenities that benefit residents of the subdivision.
2. The RRC provisions are intended to promote more efficient use of land, lower site development costs and more efficient provision of utilities, roads and public services, while affording flexibility in development standards to respond to local market conditions and unique features of individual sites. RRC development is intended to encourage an alternative to usual subdivision patterns in a manner that provides a more rural character, avoids strip development along arterial roadways, provides a transition between rural and more urban areas within and adjacent to the town and promotes the village character of the town.
3. The development standards, requirements and approval process applicable to RRC development are set forth in this division. Except as specifically described to the contrary in this division, all other standards and requirements applicable in the Rural Residential District RR-1 and set forth in division 1 of this article and elsewhere in this chapter and shall be applicable to RRC development.

### Sec 21-30.2 Site Area And Configuration

In order to qualify for RRC development, a site shall be no less than twenty-five (25) acres of contiguous area. The site shall be generally compact in shape, as opposed to linear, so as to enable the clustering of building lots and the provision of open space and other amenities in a manner that complies with the intent of this division.

### Sec 21-30.3 Permitted Uses

Permitted uses on individual building lots within an RRC development shall be **the same as RR-1, Rural Residential, as identified in Sec. 21-24, with the exception of Towers and aerials, which shall not be a permitted use in RRC, Residential Rural Cluster zoning. limited to the following. ~~Permitted uses of open space with an RRC development site shall be set forth in ATC subsection 21-30.6.~~**

- ~~1. Single-family dwellings, detached;~~
- ~~2. Accessory uses, as defined in ATC section 21-3;~~
- ~~3. Public utilities, as described in ATC section 21-24(d);~~
- ~~4. Home occupations.~~

### Sec 21-30.4 Density And Lot Size

1. *Density.* The density of an RRC development site shall not exceed six-tenths (0.6) building lots per acre of gross site area, inclusive of areas devoted to streets and open space.
2. *Lot size.* Individual lots for single-family dwelling purposes shall be not less than one acre in area and not less than one hundred fifty (150) feet in width at the setback line.

### Sec 21-30.5 Setback And Yard Regulations

1. ~~*Front. Setback.* The minimum front setback shall be ~~structures shall be located~~ forty (40) feet. ~~or more from any street or highway right-of-way.~~~~
2. *Side yard.* The minimum width of each side yard shall be twenty (20) feet. On corner lots, the side yard facing the side street shall be not less than thirty (30) feet for both the main and accessory buildings.
3. *Rear yard.* The minimum rear yard shall be forty (40) feet.

**See ATC chapter 21, article XXV for supplemental yard regulations. See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.**

### Sec 21-30.6 Open Space Requirements

1. *Area.* Not less than twenty-five (25) percent of the gross area of each RRC development site shall be devoted to open space as described herein.

2. *Dimensions.* Open space used for purposes of satisfying the minimum required open space area shall be not less than fifty (50) feet in width at any point and shall comply with the following:
  1. Open space areas of not less than fifty (50) feet in width shall be provided as buffers to separate individual lots and clusters of lots from all boundaries of the development site, except as provided in subsection (b)(2) of this section. Such buffers may be included within individual subdivided lots as provided in subsection (d)(2) of this section.
  2. Open space areas of not less than one hundred (100) feet in width shall be provided adjacent to all arterial streets as designated in the comprehensive plan for the town and no driveways serving individual lots shall be connected to such arterial streets.
  3. The provisions of this subsection (b) shall not be interpreted to prohibit the installation of approved streets necessary to provide access to the development site.
3. *Permitted uses of open space.* The minimum open space area as required herein shall be left undeveloped and in a natural state, or may be improved to provide amenities that enhance the character of the subdivision and benefit its residents by providing privacy, visual enjoyment or recreational opportunities, and shall not be devoted to streets, parking areas, buildings, structures or building sites.
  1. Required open space areas may be used for natural or landscaped buffer areas, courtyards, limited agriculture or forestry activity, wildlife preserves, conservation areas, water or stormwater management areas, ponds and other water features, pedestrian and jogging trails, bicycle paths, picnic and sitting areas, active or passive recreation areas and necessary utilities.
  2. To the extent the amount of open space within a development site exceeds the minimum area required, it may be devoted to improved active recreation area, community center or other uses permitted in the RR-1 district.
4. *Preservation and maintenance.* Adequate provisions shall be made by the subdivider to ensure preservation of required open spaces and continued maintenance thereof. Such provisions shall be specified in general at the time of submission of the preliminary subdivision plat and in detail at the time of submission of the final subdivision plat and shall constitute conditions of preliminary and final subdivision plat approvals in accordance with the following:
  1. Ownership of required open space areas shall be vested in one or more of the following: a homeowners' association comprised of all owners of lots within the development site; a local or state governmental agency, subject to its acceptance of such areas; an approved independent conservation organization; or other party having an ownership interest in any other portion of the development site.
  2. Open space which is not devoted to active recreation use may be located within the boundaries of individual subdivided lots, provided that it is in addition to minimum required lot area, setback and side and rear yard areas and is subject to provisions for preservation and maintenance of open space in accordance with the requirements of this section.
  3. Required open space areas shall be subject to waiver of development rights in such form that precludes further subdivision for development purposes and prohibits other use or development not permitted by the provisions of this division. Such waiver shall be provided through restrictive covenants, conservation easements, other easements, or a combination thereof.
  4. Agreements or covenants guaranteeing continued maintenance and care of required open space areas shall be established. In any case where ownership of open space areas is not vested in a homeowners' association or governmental agency, such agreements or covenants shall provide that an established homeowners' association or governmental agency, subject to its approval, may maintain the property and bill the owners or exercise lien rights in the event of lack of maintenance.
  5. Necessary documents setting forth ownership, restrictive covenants, easements and maintenance agreements shall be approved by the town attorney with respect to compliance with the provisions of this section. Such documents shall be submitted and approved in conjunction with the required subdivision approvals and shall be recorded with the final subdivision plat. Notations shall be included on the final subdivision plat to identify open space areas, indicate the ownership thereof and indicate generally the applicable easements covenants and agreements.

#### Sec 21-30.7 Street And Utilities

1. *Street access.* Every RRC development site shall have frontage on and access to at least one improved public street. Any RRC development site having more than fifty (50) residential lots shall have at least two (2)

means of access to improved public streets. The number of access points to any one street shall be the minimum necessary to adequately serve the development.

2. *Internal streets.* Every lot intended for single-family residential use within the development site shall have frontage on a public street meeting the subdivision street standards of the town, provided that:
  1. Streets which exclusively serve an RRC development site, and which do not enable through-traffic and along which no curb-side or shoulder parking is permitted, may be constructed with a pavement width of not less than twenty-two (22) feet and a right-of-way width of not less than forty (40) feet, provided that other applicable street construction standards adopted by policy of town council are met. In the case of any approved street which does not qualify for maintenance payment to the town by the Virginia Department of Transportation (VDOT) by reason of the width of such street, provision shall be made in accordance with the policy adopted by town council for annual cash payment by a homeowners' association to the town of an amount equal to that which the town would receive from VDOT for annual maintenance of such street if it qualified for such payment.
  2. Curb and gutter shall not be required unless it is determined to be necessary as an element of a storm drainage system by the director of public works based on engineering considerations.
3. *Utilities.* Every residential lot within an RRC development site shall be served by public water and sewer in accordance with applicable subdivision standards.

### Sec 21-30.8 Site Design And Layout Standards

The following standards shall be observed in the design and development of all RRC sites:

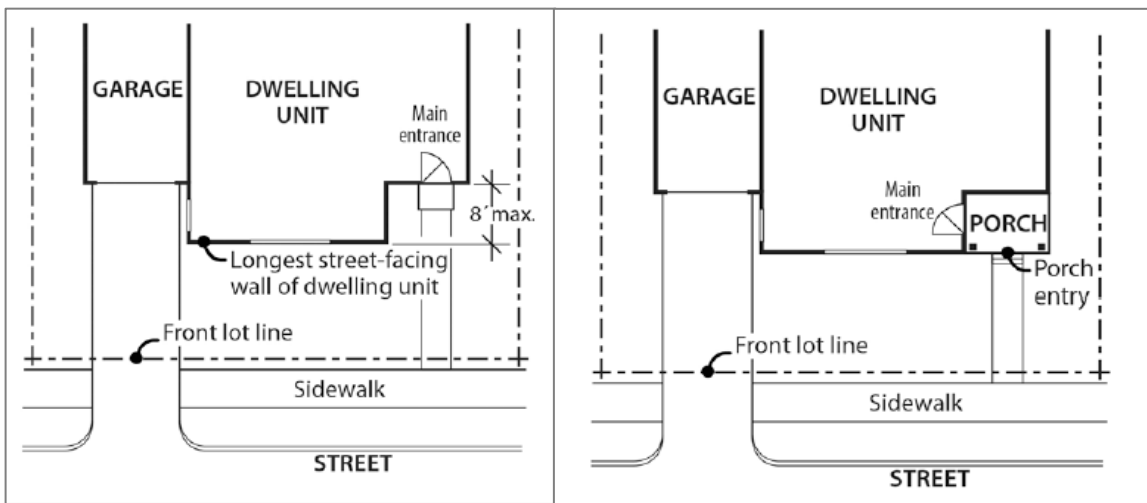
1. *Consistency with RRC purposes.* Residential lots, open spaces and streets within the development site shall be arranged in a manner consistent with the purposes of RRC development as set forth in ATC section 21-30.1..
2. *Preservation of natural features.* Individual building lots, building sites, open space areas and streets shall be arranged to preserve to the greatest extent practical significant natural features of the site such as streams, wetlands, floodplains and other environmentally sensitive features; existing topography; and wooded areas and other areas of significant natural vegetation, and to utilize the most suitable soils.
3. *Arrangement of open spaces.* Open spaces shall be arranged so as to provide: buffers of physical and visual separation from adjacent properties and public streets on the periphery of the site and an interconnected system of open spaces which, in conjunction with streets and walkways in the subdivision, will provide residents of the development with means to access open spaces intended for their use, adjoining roads, public facilities and major nearby destinations. Remaining open spaces shall be consolidated into areas of sufficient size and shape to accommodate the intended purposes thereof.
4. *Exceptions to subdivision design standards.* Where necessary to accommodate cluster development and to facilitate compact and efficient arrangement of residential lots intended by the provisions of this division, the planning commission may recommend and the town council may grant exceptions to the normal subdivision design standards pertaining to dimensions and arrangement of blocks, alignment and layout of streets and dimensions of cul-de-sacs.

### Sec. 21-30.81 Structure Regulations

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

#### [Sec 21-30.9 Approval Process](#)

Every RRC development shall require approval as a subdivision and shall be submitted, reviewed and approved in the same manner as other subdivisions in accordance with the provisions of ATC chapter 17, except that:

1. Submission and subsequent approvals of preliminary and final subdivision plats shall include specification of means to accomplish preservation and maintenance of required open space as set forth in this division.
2. A preliminary sketch of the proposed RRC development, drawn to scale, together with a description of the proposed manner in which preservation and maintenance of required open space areas are to be accomplished, shall be submitted to the director of planning prior to preparation of an engineered preliminary or final plat. The director shall review the submitted material and advise applicant whether the plans are, in general, consistent with the requirements of this chapter and the subdivision regulations. The director may also make suggestions as to changes in the plans which would further accomplish the intent and purpose of RRC development. Such review and assistance shall commit the director to specific recommendations when plats are officially submitted.
3. The director of planning shall review the preliminary and final subdivision plats prior to submission to the planning commission and advise the commission whether the applicable provisions of this chapter are met.

### ARTICLE IV RESIDENTIAL, RESTRICTED DISTRICT R-1

#### [Sec 21-31 Statement Of Intent](#)

This Residential District R-1 encompasses low density, single-family residential areas. The purpose of this district is to provide for single-family residential development of spacious character together with churches and accessory uses, as may be necessary or are normally compatible with residential surroundings. This district is located to protect

existing development of high character and contains vacant land considered appropriate for such development in the future, without fear of encroachment of dissimilar uses.

### Sec 21-32 Use Regulations

The following uses and structures shall be permitted in the Residential District R-1:

- ~~1. Single-family dwellings, detached.~~
- ~~2. Churches, and other places of worship. Not-for-profit accessory uses such as day care centers, schools, bingo establishments and community centers, with a conditional use permit.~~
- ~~3. Accessory uses and structures as defined in ATC chapter 21, article I.~~
- ~~4. Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision of utilities. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See ATC article XXII of this chapter for underground utility requirements.~~
- ~~5. Signs in accordance with ATC chapter 21, article XX.~~
- ~~6. Off-street parking in accordance with ATC chapter 21, article XIX.~~
- ~~7. Reserved.~~
- ~~8. Home occupations.~~
- ~~9. Accessory apartments, in accordance with ATC article XXV of this chapter, and with a conditional use permit to be reviewed every five (5) years to assure compliance with the original conditions.~~
- ~~10. Bed and breakfast, with a conditional use permit in accordance with ATC chapter 21, article XXV, Various Regulations.~~
- ~~11. Parks and playgrounds, with a conditional use permit.~~
- ~~12. Public schools and private schools having substantially the same curriculum as public schools, with a conditional use permit.~~
- ~~13. Community centers as defined in article I, with a conditional use permit.~~
- ~~14. Adult day care services, when accessory to a church or community center, with a conditional use permit.~~

1. Accessory uses as defined
2. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
3. Church or Place of Religious Worship
4. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
5. Community Garden, over one (1) acre with a conditional use permit
6. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
7. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
8. Dwelling, Accessory Apartment, with a conditional use permit
9. Dwelling, Single-Family Detached
10. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
11. Home Occupation
12. Parks, over one (1) acre with a conditional use permit.
13. Public Facilities, with a conditional use permit
14. Schools, with a conditional use permit
15. Utilities, Major, with a conditional use permit
16. Utilities, Minor

### Sec 21-33 Area Regulations

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

### Sec 21-34 Setback Regulations Reserved

~~The minimum front setback shall be twenty (20) feet. See ATC chapter 21, article XXV for supplemental yard regulations. (See the Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.)~~

~~New buildings or structures built in the B-1 district and adjacent to a building that is of significant historical character in the historic district must be setback the average of the two (2) adjacent structures on either side unless waived by the zoning administrator.~~

## Sec 21-35 Frontage Regulations

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

## Sec 21-36 Yard Regulations

1. **Front.** The minimum front setback shall forty (40) feet.
2. **Side.** The minimum side yards for main buildings shall be a minimum be fifteen (15) feet. The minimum street side yard for all buildings and structures shall be thirty (30) feet.
3. **Rear.** The minimum rear yard for main buildings shall be thirty-five (35) feet.
4. **Accessory structures.** The minimum side and rear yards for accessory structures shall be five (5) feet.

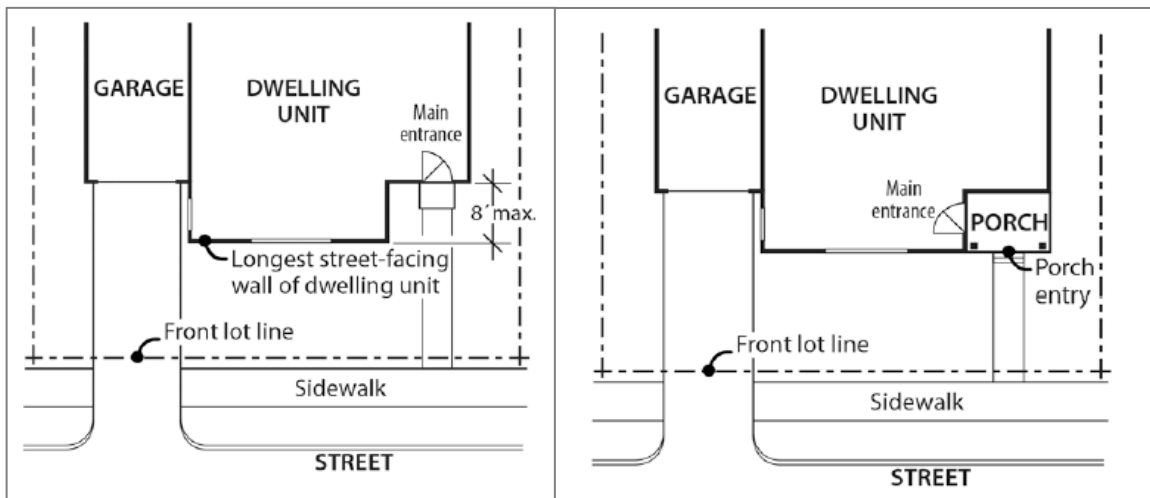
See ATC chapter 21, article XXV for supplemental yard regulations. See the [Design Guidelines Handbook for guidelines and examples for treatment of setbacks](#).

### Sec. 21-36.1 Structure Regulations

1. **Window percentage.** A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the [Design Guidelines Handbook for guidance on window percentage calculation](#).

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. **Street entrance.** The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. **Garage location.** If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

4. **Consistent materials.** Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the [Design Guidelines Handbook for guidelines and examples](#).

5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

#### Sec 21-37 Height Regulations

No building or structure shall exceed a height of thirty-five (35) feet from grade. See ATC chapter 21, article XXV for supplemental height regulations.

#### Sec 21-37.1 Site Plan Required

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

#### Sec 21-38 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 ATC article XXIII of this chapter.

#### Sec 21-38.1 Reserved

### ARTICLE V RESIDENTIAL, LIMITED DISTRICT R-2

#### Sec 21-39 Statement Of Intent

Residential District R-2 encompasses low-density residential areas, both existing and planned. The following regulations are designed to stabilize, protect and promote this type of development. This district should provide a suitable environment for families who desire quiet homesites without fear of encroachment of dissimilar uses.

#### Sec 21-40 Use Regulations

The following uses and structures shall be permitted in the Residential District R-2:

- ~~1. Single family dwellings, detached.~~
- ~~2. Reserved~~
- ~~3. Churches and other places of worship. Not for-profit accessory uses such as day care centers, schools, bingo establishments and community centers, with a conditional use permit.~~
- ~~4. Accessory uses and structures as defined in ATC chapter 21, article I.~~
- ~~5. Off-street parking in accordance with ATC chapter 21, article XIX.~~
- ~~6. Signs in accordance with ATC chapter 21, article XX.~~
- ~~7. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See ATC article XXII of this chapter for underground utility requirements.~~
- ~~8. Parks and playgrounds, with a conditional use permit.~~
- ~~9. Public schools and private schools having substantially the same curriculum as public schools, with a conditional use permit.~~
- ~~10. Accessory apartments, in accordance with ATC article XXV of this chapter, and with a conditional use permit to be reviewed every five (5) years to assure compliance with the original conditions.~~
- ~~11. Home occupations.~~
- ~~12. Community centers as defined in article I, with a conditional use permit.~~
- ~~13. Bed and breakfast, with a conditional use permit and in accordance with ATC chapter 21, article XXV, Various Regulations.~~
- ~~14. Adult day care services, when accessory to a church or community center, with a conditional use permit.~~
- ~~15. Limited office use as an accessory to use by a college or university, with a conditional use permit.~~

1. Accessory uses as defined
2. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
3. Church or Place of Religious Worship
4. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
5. Community Garden, over one (1) acre with a conditional use permit
6. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
7. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship

8. Dwelling, Accessory Apartment, with a conditional use permit
9. Dwelling, Single-Family Detached
10. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
11. Home Occupation
12. Offices, limited and as an accessory use to a college or university, with a conditional use permit
13. Parks, over one (1) acre with a conditional use permit.
14. Public Facilities, with a conditional use permit
15. Schools, with a conditional use permit
16. Utilities, Major, with a conditional use permit
17. Utilities, Minor

#### Sec 21-41 Area Regulations

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

#### Sec 21-42 Setback Regulations Reserved

~~The minimum setback shall be thirty (30) feet. See ATC chapter 21, article XXV for supplemental yard regulations. (See the Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.)~~

~~New buildings or structures built in the B-1 district and adjacent to a building that is of significant historical character in the historic district must be setback the average of the two adjacent structures on either side unless waived by the zoning administrator.~~

#### Sec 21-43 Frontage Regulations

The minimum width of any lot at the setback shall be seventy-five (75) feet.

#### Sec 21-44 Yard Regulations

1. *Front.* The minimum front setback shall be thirty (30) feet.
2. *Side.* The minimum side yards for main buildings shall be a cumulative of thirty (30) feet, with the minimum for one-side being ten (10) feet. ~~minimum be fifteen (15) feet.~~ For example, the side yards can be fifteen (15) feet each, or one side at ten (10) feet and the other at twenty (20) feet. The minimum street side yard for all buildings and structures shall be twenty-five (25) feet.
3. *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet.
4. *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

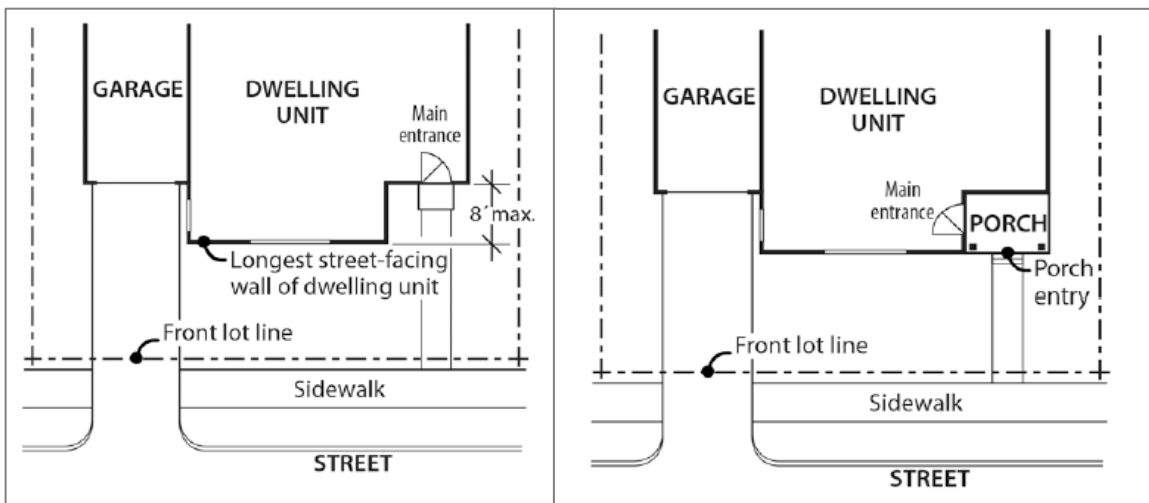
See ATC chapter 21, article XXV for supplemental yard regulations. ~~See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.~~

#### Sec. 21-44.1 Structure Regulations

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

#### [Sec 21-45 Height Regulations](#)

No building or structure shall exceed a height of thirty-five (35) feet from grade. See ATC chapter 21, article XXV for supplemental yard regulations.

#### [Sec 21-45.1 Site Plan Required](#)

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

#### [Sec 21-46 Landscape: 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 ATC article XXIII of this chapter.

#### [Sec 21-46.1 Reserved](#)

### [ARTICLE VI RESIDENTIAL, MEDIUM DISTRICT R-3](#)

#### [Sec 21-47 Statement Of Intent](#)

Residential District R-3 encompasses medium-density, residential areas, both existing and planned, as well as certain compatible public and semipublic land uses. The following regulations are designed to stabilize, protect and promote this type of development. This district should provide a suitable environment for persons who desire a predominately single-family area, but prefer lesser yard acreage and closer proximity to shopping areas.

#### [Sec 21-48 Use Regulations](#)

The following uses and structures shall be permitted in the Residential District R-3:

- ~~1. Single-family dwellings, detached.~~
  - ~~2. Single-family, attached with a conditional use permit.~~
  - ~~3. Two-family dwellings; i.e., duplex, with a conditional use permit.~~
  - ~~4. Home occupations.~~
  - ~~5. Churches and other places of worship. Not-for-profit accessory uses such as day care centers, schools, bingo establishments and community centers, with a conditional use permit.~~
  - ~~6. Lodges.~~
  - ~~7. Off-street parking in accordance with ATC chapter 21, article XIX.~~
  - ~~8. Parks and playgrounds, with a conditional use permit.~~
  - ~~9. Accessory uses and structures as defined in ATC chapter 21, article I.~~
  - ~~10. Day schools and kindergartens, public schools, and private schools having substantially the same curriculum as public schools, with a conditional use permit.~~
  - ~~11. Signs in accordance with ATC chapter 21, article XX.~~
  - ~~12. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See ATC article XXII of this chapter for underground utility requirements.~~
  - ~~13. Accessory apartments, in accordance with ATC article XXV of this chapter, and with a conditional use permit to be reviewed every five (5) years to assure compliance with the original conditions.~~
  - ~~14. Community centers as defined in article I, with a conditional use permit.~~
  - ~~15. Bed and breakfast, with a conditional use permit and in accordance with ATC chapter 21, article XXV;~~
- ~~Various Regulations:~~
- ~~16. Adult day care services, when accessory to a church or community center, with a conditional use permit.~~

1. Accessory uses as defined
2. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
3. Church or Place of Religious Worship
4. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
5. Community Garden, over one (1) acre with a conditional use permit
6. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
7. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
8. Dwelling, Accessory Apartment, with a conditional use permit
9. Dwelling, Single-Family Attached, with a conditional use permit
10. Dwelling, Single-Family Detached
11. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
12. Home Occupation
13. Parks, over one (1) acre with a conditional use permit.
14. Public Facilities, with a conditional use permit
15. Schools, with a conditional use permit
16. Utilities, Major, with a conditional use permit
17. Utilities, Minor

### Sec 21-49 Area Regulations

The minimum lot area shall be eight thousand (8,000) square feet for single-family, detached or two-family dwellings; six thousand (6,000) for single-family, attached dwellings.

### Sec 21-51 Frontage Regulations

The minimum width of any lot at the setback shall be sixty (60) feet and thirty-seven and one-half (37.5) feet for single-family, attached lots. ~~feet for nonresidential uses. The minimum width of any lot at the setback shall be sixty (60) feet for single-family detached dwellings, and thirty-seven and one-half (37.5) feet for single-family attached dwellings and two-family dwellings.~~

### Sec 21-52 Yard Regulations

1. *Front.* The minimum front setback shall be twenty (20) feet
2. *Side.* The minimum side yards for main buildings shall be a cumulative of twenty (20) feet, with the minimum for one-side being six (6) feet. ~~ten (10) feet.~~ For example, the side yards can be ten (10) feet each, or one side at six (6) feet and the other at fourteen (14) feet. For single-family attached lots, one of the side yards

shall have a zero-lot line setback. The minimum street side yard for all buildings and structures shall be ~~twenty (20)~~ ~~twenty-five (25)~~ feet.

3. *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet.
4. *Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

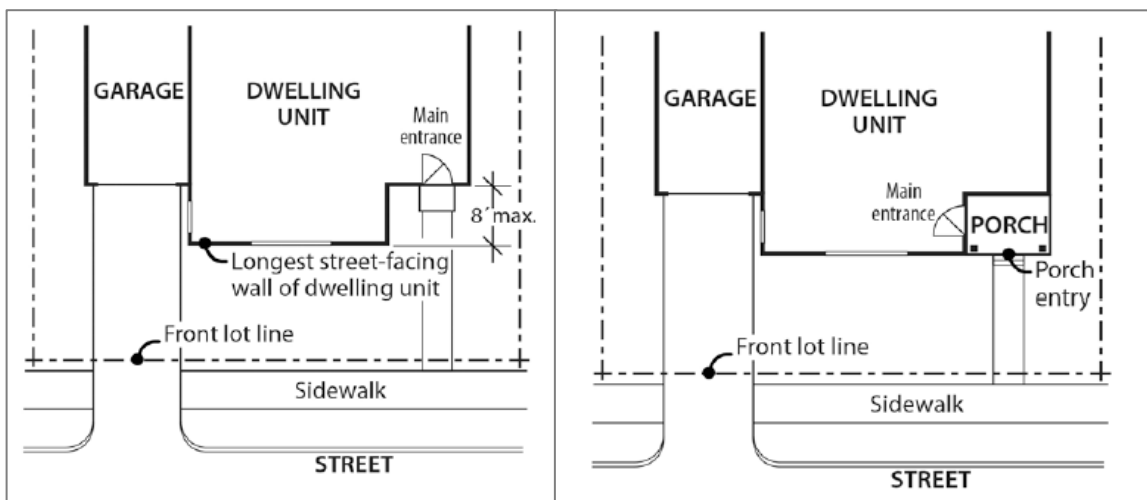
See ATC chapter 21, article XXV for supplemental yard regulations. See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.

### Sec. 21-52.1 Structure Regulations

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

### Sec 21-53 Height Regulations

No building or structure shall exceed a height of thirty-five (35) feet from grade. See ATC chapter 21, article XXV for supplemental height regulations.

### Sec 21-53.1 Site Plan Required

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

### Sec 21-54 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 ATC article XXIII of this chapter.

### Sec 21-54.1 Reserved

## ARTICLE VII RESIDENTIAL, MEDIUM-HIGH DISTRICT R-4

### Sec 21-55 Statement Of Intent

It is the purpose of this district to encourage a variety of housing types and arrangements, to ensure a suitable environment for family life and recreation, and to provide for medium to high residential densities as might be appropriate for areas served by public water and sewer systems.

### Sec 21-56 Use Regulations

The following uses and structures shall be permitted in the Residential District R-4:

- ~~1. Single-family dwellings, detached.~~
  - ~~2. Single-family dwellings, attached.~~
  - ~~3. Two-family dwellings.~~
  - ~~4. Townhouses as defined in ATC chapter 21, article I.~~
  - ~~5. Accessory uses and structures as defined in ATC chapter 21, article I.~~
  - ~~6. Swimming pools, recreational and athletic facilities, community buildings, and other similar related improvements for the common use of occupants of the development and their guests.~~
  - ~~7. Off-street parking in accordance with ATC chapter 21, article XIX.~~
  - ~~8. Signs in accordance with ATC chapter 21, article XX.~~
  - ~~9. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See ATC article XXII of this chapter for underground utility requirements.~~
  - ~~10. Home occupations.~~
  - ~~11. Accessory apartments, in accordance with ATC article XXV of this chapter, and with a conditional use permit to be reviewed every five (5) years to assure compliance with the original conditions.~~
  - ~~12. Parks and playgrounds, with a conditional use permit.~~
  - ~~13. Churches and other places of worship. Not-for-profit accessory uses such as day care centers, schools, bingo establishments and community centers, with a conditional use permit.~~
  - ~~14. Adult day care services, when accessory to a church, with a conditional use permit.~~
1. Accessory uses as defined
  2. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
  3. Church or Place of Religious Worship
  4. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  5. Community Garden, over one (1) acre with a conditional use permit
  6. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  7. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  8. Dwelling, Accessory Apartment, with a conditional use permit
  9. Dwelling, Cottage Court, with a conditional use permit
  10. Dwelling, Single-Family Attached
  11. Dwelling, Single-Family Detached
  12. Dwelling, Townhome
  13. Dwelling, Two-Family, with a conditional use permit

14. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
15. Home Occupation
16. Parks, over one (1) acre with a conditional use permit.
17. Public Facilities, with a conditional use permit
18. Schools, with a conditional use permit
19. Utilities, Major, with a conditional use permit
20. Utilities, Minor

#### Sec 21-57 Density

~~The density of townhouse developments shall not be more than seven (7) dwelling units per acre.~~

#### Sec 21-58 Area Regulations

The minimum lot area for permitted uses shall be as follows:

1. Six thousand (6,000) square feet for single family detached, single family attached, or two-family dwellings.
  2. Townhouse developments shall be located on sites of not less than one acre.
  3. Cottage court shall be located on sites of not less than one (1) acre.
- ~~1. Single family detached dwelling: Eight thousand (8,000) square feet.~~
  - ~~2. Single family attached dwelling unit: Six thousand (6,000) square feet.~~
  - ~~3. Two family dwelling: Ten thousand (10,000) square feet.~~

#### Sec 21-59 Setback Regulations Reserved

- ~~1. Except as provided in subsection (b) of this section, the minimum setback shall be thirty (30) feet.~~
- ~~2. The minimum setback for townhouses shall be thirty (30) feet, except the minimum setback shall be ten (10) feet from driveways, private streets and parking areas within the development.~~

#### Sec 21-59.1 Frontage And Width Regulations

1. The minimum width of any lot at the setback shall be sixty (60) feet for single-family detached and two-family dwellings, and thirty-seven and one half (37.5) feet for single-family attached lots. ~~thirty-seven and one-half (37.5) feet for single-family attached dwellings per unit, and seventy-five (75) feet for two-family dwellings.~~
2. The minimum frontage of cottage court and townhouse developments shall be ~~two hundred (200)~~ one hundred and eighty (180) feet. The minimum width of individual townhouse lots shall be twenty-four (24) feet. The minimum width of individual cottage court lots shall be forty (40) feet.
- ~~3. The minimum width of townhouse lots units shall be twenty-four (24) feet.~~

#### Sec 21-60 Yard Regulations

- ~~1. *Side.* The minimum side yards for a main building shall be ten (10) feet, except in no case shall any row of townhouses be closer than thirty (30) feet from one another. The minimum street side yard for main and accessory structures shall be twenty-five (25) feet.~~
  - ~~2. *Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet, except that the minimum rear yard for townhouses shall be thirty (30) feet. The minimum street side yard for main and accessory structures shall be twenty-five (25) feet.~~
1. *Front.* The minimum front setback shall be twenty (20) feet. The maximum setback for townhome units shall be no greater than thirty-five (35) feet from the property line or new development shall bring the existing structure into greater conformity with this maximum setback.
  2. *Side.* The minimum side yards for main buildings shall be a cumulative of twenty (20) feet, with the minimum for one-side being ten (6) feet. For example, the side yards can be ten (10) feet each, or one side at six (6) feet and the other at fourteen (14) feet. For cottage court units, the minimum side setback between units shall be six (6) feet. For single-family attached lots, one of the side yards shall have a zero-lot line setback. For townhomes, the minimum setback between rows (connected units) shall be twenty (20) feet. The minimum street side yard for all buildings and structures shall be twenty (20) feet.
  3. *Rear.* The minimum rear yard for main buildings, which includes townhome or cottage court developments, shall be twenty (20) feet. The minimum rear yard setback for individual townhome and cottage court units shall be five (5) feet.

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

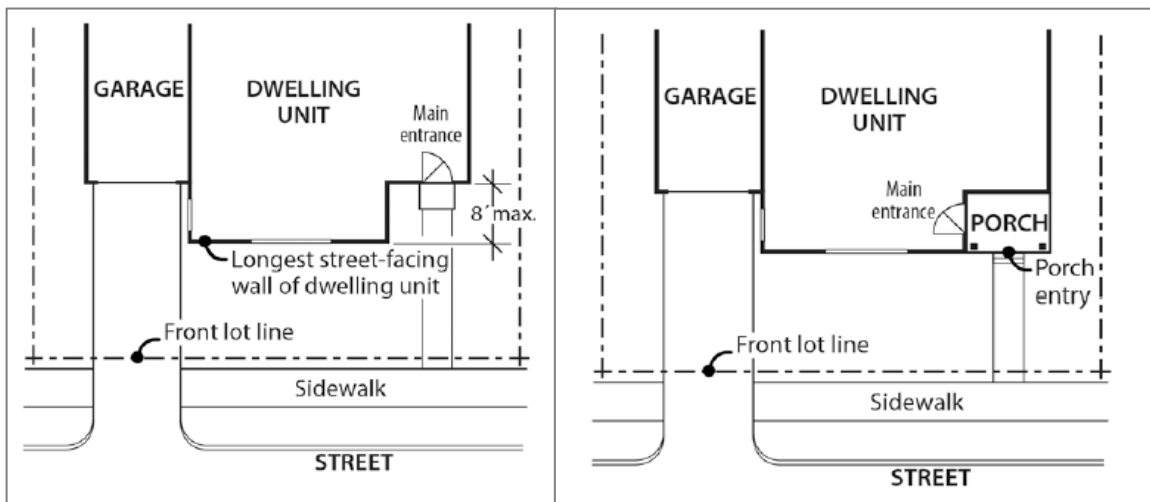
See ATC chapter 21, article XXV for supplemental yard regulations. See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.

### Sec. 21-60.1 Structure Regulations

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

For townhome or cottage court structures, attached front-loading garages (e.g. garage door opening faces the primary frontage) shall not be permitted. Off-street parking shall adhere to screening regulations, per Sec. 21-65.1.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

### Sec 21-61 Height Regulations

Structures may be erected up to thirty-five (35) feet in height from grade, except:

1. Belfries, cupolas, monuments, water towers, flues, flagpoles are exempt. Television antennae and radio aerials may be erected above the building to a combined maximum height of sixty (60) feet; and
2. No accessory building which is within fifteen (15) feet of any structure or party lot line shall be more than one story in height, and in no case shall any accessory building be more in height than the main structure.

### Sec 21-62 Open Space And Common Areas

~~Open space shall comprise at least thirty (30) percent of the total area of each townhouse development. Open space shall be construed to be any land area contained in individual lots or in common areas, when such land area is not covered by buildings, structures, or area devoted to vehicle parking, driveways or circulation.~~

In every cottage court development or if there are more than eighteen (18) units in a townhome development, five percent (5%) shall be common open space designed for active or passive recreation. The recreational area may be non-contiguous, but shall be an amenity that is centrally located and designed as a public gathering space, landscaped plaza, pocket park, recreation area, or a similar use. The space shall consist of pedestrian walking paths internally and connect to homes and external pathways (e.g. public sidewalks).

Except in such developments regulated by the Virginia Condominium Act (chapter 4.2 of title 55, Code of Virginia), in the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners in the development. Said land shall be conveyed to and held by said nonprofit corporate owner solely for recreation, parking or other common purposes of the individual owners in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the town attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual lots or units, inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each lot or unit.

### Sec 21-63 ~~Townhouse Facades And Number Of Units In A Row~~ Development Size

~~Not more than six (6) townhouse units shall be connected in a continuous row. Maximum of six (6) townhouse units shall be connected in a continuous row. Maximum of twelve (12) units per cottage court development.~~

### Sec 21-64 Utilities

1. Uses in this district may be constructed only on properties served by public sewer and water systems.
2. All utility systems including power and telephone shall be installed underground.

### Sec 21-65 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 ATC article XXIII of this chapter.

#### Sec 21-65.1 Screening

Within townhouse ~~or cottage court~~ developments, all vehicle parking areas, common driveways, common areas for service, maintenance and trash collection and the facades of garages containing doors for vehicle access shall be located or arranged on the site or shall be provided with screening so as not to be readily visible from adjoining property in a residential district. ~~This shall not apply to view from adjacent residential property across an alleyway. Adjoining property shall be construed to include property across an alley.~~ Where screening is provided to satisfy this requirement, it shall consist of continuous structural fences, walls or evergreen vegetative material, or combinations thereof, not less than six (6) feet in height. Earth berms may be used in conjunction with fences, walls or vegetative material to provide the required screening height. No chain link, wire mesh, barbed wire or similar fence material shall be utilized for such screening purposes.

### Sec 21-66 Site Plan Required

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

### Sec 21-67 ~~Recreation Areas Reserved~~

~~Recreation areas for common use by occupants of the development shall be provided in each townhouse development containing twenty (20) or more units at the rate of two hundred (200) square feet of developed recreation area per unit.~~

## Sec 21-67.1 Reserved

## ARTICLE VIII RESIDENTIAL, MULTIFAMILY DISTRICT R-5

### Sec 21-68 Statement Of Intent

Residential District R-5 encompasses high-density residential areas. The following regulations are designed to stabilize and protect this type of development. This district should provide a suitable environment for persons desiring the amenities of apartment living.

### Sec 21-69 Use Regulations

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

- ~~1. Townhouses.~~
  - ~~2. Multifamily dwellings.~~
  - ~~3. Accessory uses.~~
  - ~~4. Off-street parking in accordance with ATC chapter 21, article XIX.~~
  - ~~5. Signs in accordance with ATC chapter 21, article XX.~~
  - ~~6. Recreational facilities.~~
  - ~~7. Home occupations.~~
  - ~~8. Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See ATC article XXII of this chapter for underground utility requirements.~~
  - ~~9. Parks and playgrounds, with a conditional use permit.~~
  - ~~10. Nursing home, convalescent home, rest home, and assisted living facilities with a conditional use permit. Adult day care services shall be permitted as an accessory use to these uses.~~
- 
1. Accessory uses as defined
  2. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
  3. Church or Place of Religious Worship
  4. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  5. Community Garden, over one (1) acre with a conditional use permit
  6. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  7. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  8. Dwelling, Accessory Apartment, with a conditional use permit
  9. Dwelling, Cottage Court, with a conditional use permit
  10. Dwelling, Multi-Family
  11. Dwelling, Single-Family Attached
  12. Dwelling, Single-Family Detached
  13. Dwelling, Townhome
  14. Dwelling, Two-Family, with a conditional use permit
  15. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
  16. Home Occupation
  17. Parks, over one (1) acre with a conditional use permit.
  18. Public Facilities, with a conditional use permit
  19. Schools, with a conditional use permit
  20. Utilities, Major, with a conditional use permit
  21. Utilities, Minor

### Sec 21-70 Area ~~And Density~~ Regulations

The minimum lot area for permitted uses shall be as follows:

1. Six thousand (6,000) square feet for single family detached, single family attached, or two-family dwellings.
2. Townhouse developments shall be located on sites of not less than one acre. The minimum width of individual townhouse lots shall be twenty-four (24) feet.

3. Cottage court shall be located on sites of not less than one acre. The minimum width of individual cottage courts lots shall be forty (40) feet.
4. Multifamily shall be located on sites of not less than one acre.

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

### Sec 21-71 Setback Regulations Reserved

~~The minimum setback shall be fifty (50) feet. See ATC chapter 21, article XXV for supplemental yard regulations.~~

~~See ATC chapter 21, article XXV for supplemental yard regulations.~~

### Sec 21-71.1 Frontage and Width Regulations

~~The minimum width of any major development at the setback shall be one hundred eighty (180) feet.~~

1. The minimum width of any lot at the setback shall be sixty (60) feet for single-family detached and two-family dwellings, and thirty-seven and one half (37.5) feet for single-family attached lots.
2. The minimum frontage of cottage court, townhouse, or multifamily developments shall be one hundred and eighty (180) feet. The minimum width of individual townhouse lots shall be twenty-four (24) feet. The minimum width of individual cottage court lots shall be forty (40) feet.

### Sec 21-71.2 Yard Regulations

1. *Front.* The minimum front setback shall be twenty (20) feet. The maximum setback for townhome units or multifamily structures shall be no greater than thirty-five (35) feet from the property line or new development shall bring the existing structure into greater conformity with this maximum setback. The minimum setback between townhome rows or multifamily structures shall be twenty (20) feet. The minimum side setback between cottage court units shall be six (6) feet.
  2. *Side.* The minimum side yards for main buildings shall be a cumulative of twenty (20) feet, with the minimum for one-side being six (6) feet. For example, the side yards can be ten (10) feet each, or one side at six (6) feet and the other at fourteen (14) feet. For cottage court units, the minimum side setback between units shall be six (6) feet. For single-family attached lots, one of the side yards shall have a zero-lot line setback. For townhomes, the minimum setback between rows (connected units) shall be twenty (20) feet. The minimum street side yard for all buildings and structures shall be twenty (20) feet.
  3. *Rear.* The minimum rear yard for main buildings shall be twenty (20) feet. The minimum rear yard setback for individual townhome and cottage court units shall be five (5) feet.
1. ~~*Side.* The minimum side yards for main buildings shall be fifteen (15) feet, except in no case shall any two (2) buildings or any row of attached dwellings be closer than thirty (30) feet from one another. The minimum street side yard for all buildings and structures shall be twenty-five (25) feet.~~
  2. ~~*Rear.* The minimum rear yard for main buildings shall be twenty-five (25) feet, except that the minimum rear yard for any row of attached dwellings or any multifamily dwelling shall be thirty (30) feet.~~  
*Accessory structures.* The minimum side and rear yards for accessory structures shall be five (5) feet.

See ATC chapter 21, article XXV for supplemental yard regulations. See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.

### Sec 21-72 Required Open Space

~~Open space shall comprise at least fifty (50) percent of the total gross area of the development.~~

In every cottage court development or if there are more than eighteen (18) townhome units, five percent (5%) shall be common open space designed for active or passive recreation. The recreational area may be non-contiguous, but shall be an amenity that is centrally located and designed as a public gathering space, landscaped plaza, pocket park, recreation area, or a similar use. The space shall consist of pedestrian walking paths internally and connect to homes and external pathways (e.g. public sidewalks).

Except in such developments regulated by the Virginia Condominium Act (chapter 4.2 of title 55, Code of Virginia), in the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners in the development. Said land shall be conveyed to and held by said nonprofit

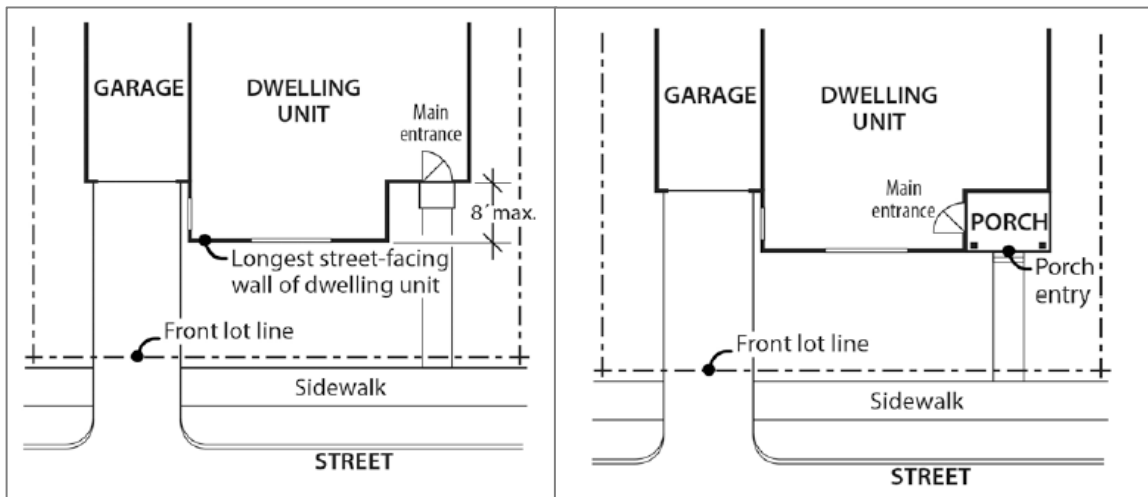
corporate owner solely for recreation, parking or other common purposes of the individual owners in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the town attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual lots or units, inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each lot or unit.

### Sec. 21-72.1 Structure Regulations

1. *Window percentage.* A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. *Street entrance.* The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

For townhome or cottage court structures, attached front-loading garages (e.g. garage door opening faces the primary frontage) shall not be permitted. Off-street parking shall adhere to screening regulations, per Sec. 21-65.1.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

### Sec 21-73 Height Regulations

No building or structure shall exceed a height of thirty-five (35) feet from grade. See ATC chapter 21, article XXV for supplemental height regulations.

### Sec 21-74 Common Recreational Areas Reserved

- ~~1. There shall be provided areas and facilities for developed recreational purposes appropriate to the needs of the occupants. The needs of different age groups are to be considered and the space provided must be large enough to accommodate normal recreational and leisure activities. Two hundred fifty (250) square feet per dwelling unit shall be the minimum allowed for common recreation areas.~~
- ~~2. All open space and common areas as well as developed recreation facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer.~~
- ~~3. By providing common recreational areas equal to or exceeding seven hundred fifty (750) square feet per dwelling unit, the density may be increased to not more than fifteen (15) dwelling units per gross acre.~~

### Sec 21-75 Outdoor Living Space Patio

1. Each multifamily family unit shall be provided an appropriate and private outdoor unencumbered living space of not less than one hundred (100) square feet located convenient to an entrance and constructed of weather-resistant material with good drainage.
2. ~~Each garden apartments upper-story multifamily unit with non-street entrances~~ shall have balconies to provide outdoor living space which shall have a minimum of seventy-five (75) square feet.

### Sec 21-63 Development Size

~~Maximum of six (6) townhouse units shall be connected in a continuous row. Maximum of twelve (12) dwelling units in a single multifamily building. Maximum of twelve (12) units per cottage court development.~~

### Sec 21-76 Utilities

1. All uses shall be constructed only on properties served by public sewer and water systems.
2. All utility systems including power and telephone lines shall be installed underground.

### Sec 21-77 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 ATC article XXIII of this chapter.

#### Sec 21-77.1 Screening Buffering

~~Each building group of townhouses or multifamily dwelling units shall have buffering as required by the administrator where there is adjacent existing business or residential use(s).~~

~~Within townhouse, cottage court or multifamily developments, all vehicle parking areas, common driveways, common areas for service, maintenance and trash collection and the facades of garages containing doors for vehicle access shall be located or arranged on the site or shall be provided with screening so as not to be readily visible from adjoining property in a residential district. This shall not apply to view from adjacent residential property across an alleyway. Where screening is provided to satisfy this requirement, it shall consist of continuous structural fences, walls or evergreen vegetative material, or combinations thereof, not less than six (6) feet in height. Earth berms may be used in conjunction with fences, walls or vegetative material to provide the required screening height. No chain link, wire mesh, barbed wire or similar fence material shall be utilized for such screening purposes.~~

### Sec 21-78 Site Plan Required

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

## ARTICLE IX RESERVED RESIDENTIAL INCENTIVE RIn

### Sec 21-79 Statement Of Intent

~~It is the purpose of this district to encourage a variety of housing types and arrangements through incentive zoning, to ensure a suitable environment for family life and recreation, and to provide residential densities as might be appropriate for areas served by public water and sewer systems. Incentive zoning means using bonuses in the form~~

of increased project density or other benefits to a developer in return for the developer providing certain features or amenities, including but not limited to, site design incorporating principles of new urbanism and traditional neighborhood development, environmentally sustainable and energy-efficient building design, affordable housing creation and preservation, and historical preservation, per the Virginia Code. The following regulations are designed to stabilize, protect and promote this type of development.

#### Sec 21-80 Use Regulations

The following uses and structures shall be permitted:

1. Accessory uses as defined
2. Bed and Breakfast, with a conditional use permit and in accordance with the provisions of Sec. 21-262
3. Church or Place of Religious Worship
4. Community Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
5. Community Garden, over one (1) acre with a conditional use permit
6. Day Care Center, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
7. Day Care Center, Adult, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
8. Dwelling, Accessory Apartment, with a conditional use permit
9. Dwelling, Cottage Court
10. Dwelling, Single-Family Attached
11. Dwelling, Single-Family Detached
12. Dwelling, Townhome
13. Dwelling, Two-Family, with a conditional use permit
14. Educational Facility, with a conditional use permit and as an accessory use to a Church or Place of Religious Worship
15. Home Occupation
16. Parks, over one (1) acre with a conditional use permit.
17. Public Facilities, with a conditional use permit
18. Schools, with a conditional use permit
19. Utilities, Major, with a conditional use permit
20. Utilities, Minor

#### Sec 21-81 Area Regulations

The minimum lot area for permitted uses shall be as follows:

1. Ten thousand (10,000) square feet for single-family detached, single-family attached, or two-family dwellings.
2. Townhouse developments shall be located on sites of not less than one acre. The minimum width of individual townhouse lots shall be twenty-four (24) feet.
3. Cottage court shall be located on sites of not less than one acre. The minimum width of individual cottage courts lots shall be forty (40) feet.

#### Sec 21-82 Frontage and Width Regulations

1. The minimum width of any lot at the setback shall be sixty (60) feet for single-family detached and two-family dwellings, and thirty-seven and one half (37.5) feet for single-family attached lots.
2. The minimum frontage of cottage court or townhouse developments shall be one hundred and eighty (180) feet. The minimum width of individual townhouse lots shall be twenty-four (24) feet. The minimum width of individual cottage court lots shall be forty (40) feet.

#### Sec 21-83 Yard Regulations

1. *Front.* The minimum front setback shall be twenty (20) feet. The maximum setback for townhome units shall be no greater than thirty-five (35) feet from the property line or new development shall bring the existing structure into greater conformity with this maximum setback. The minimum setback between townhome rows shall be twenty (20) feet. The minimum side setback between cottage court units shall be six (6) feet.
2. *Side.* The minimum side yards for main buildings shall be a cumulative of twenty (20) feet, with the minimum for one-side being six (6) feet. For example, the side yards can be ten (10) feet each, or one side at six (6) feet and the other at fourteen (14) feet. For cottage court units, the minimum side setback between units shall be six (6) feet. For single-family attached lots, one of the side yards shall have a zero-lot line setback. For

townhomes, the minimum setback between rows (connected units) shall be twenty (20) feet. The minimum street side yard for all buildings and structures shall be twenty (20) feet.

3. *Rear.* The minimum rear yard for main buildings shall be twenty (20) feet. The minimum rear yard setback for individual townhome and cottage court units shall be five (5) feet.

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

See ATC chapter 21, article XXV for supplemental yard regulations. See the Design Guidelines Handbook for guidelines and examples for treatment of setbacks.

#### Sec 21-84 Required Open Space

In every cottage court development or if there are more than eighteen (18) townhome units, five percent (5%) shall be common open space designed for active or passive recreation. The recreational area may be non-contiguous, but shall be an amenity that is centrally located and designed as a public gathering space, landscaped plaza, pocket park, recreation area, or a similar use. The space shall consist of pedestrian walking paths internally and connect to homes and external pathways (e.g. public sidewalks).

Except in such developments regulated by the Virginia Condominium Act (chapter 4.2 of title 55, Code of Virginia), in the event common areas are provided which are not contained in lots or streets conveyed to individual owners, said common areas shall be maintained by and be the sole responsibility of the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners in the development. Said land shall be conveyed to and held by said nonprofit corporate owner solely for recreation, parking or other common purposes of the individual owners in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants, in form and substance satisfactory to the town attorney, shall provide, among other things, that any assessments, charges and costs of the maintenance of such common areas shall constitute a pro rata lien upon the individual lots or units, inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each lot or unit.

#### Sec 21-85 Development Size

Maximum of six (6) townhouse units shall be connected in a continuous row. Maximum of twelve (12) dwelling units in a single multifamily building. Maximum of twelve (12) units per cottage court development.

#### Sec 21-86 Screening

Within townhouse or cottage court developments, all vehicle parking areas, common driveways, common areas for service, maintenance and trash collection and the facades of garages containing doors for vehicle access shall be located or arranged on the site or shall be provided with screening so as not to be readily visible from adjoining property in a residential district. This shall not apply to view from adjacent residential property across an alleyway. Where screening is provided to satisfy this requirement, it shall consist of continuous structural fences, walls or evergreen vegetative material, or combinations thereof, not less than six (6) feet in height. Earth berms may be used in conjunction with fences, walls or vegetative material to provide the required screening height. No chain link, wire mesh, barbed wire or similar fence material shall be utilized for such screening purposes.

#### Sec 21-87 Incentive Zoning

A development plan which meets the requirements of Sec. 21-142 and any necessary information to determine compatibility with the incentive zoning requirements shall be submitted to the Zoning Administrator. The requirement of a traffic impact analysis (TIA) may be waived by the Zoning Administrator due factors of a limited traffic generation, existing studies, or sufficient transportation infrastructure.

Fulfillment of these elements shall be determined by the Zoning Administrator, unless otherwise noted. Further definition of these elements is provided in the Design Guidelines Handbook.

For single-family detached, single-family attached, or two-family dwellings, incentive zoning would allow a reduction to a minimum lot area of eight thousand (8,000) square feet if sixty percent (60%) of the incentive zoning elements are met and a reduction to a minimum lot area of six thousand (6,000) square feet if eighty-percent (80%) of the zoning elements are met.

Incentive zoning elements include the following:

1. Site Design (New Urbanism and Traditional Neighborhood Development)
  - a) **Variety in lot frontages (e.g. widths) along block.** No more than fifty percent (50%) of the lots within a block shall have the same lot width. The minimum difference to achieve variation shall be five (5) feet.
  - b) **Variety in housing setbacks from street along a block.** No more than fifty percent (50%) of the homes along the same side of the street within a block shall have the same front yard setback. The minimum difference to achieve variation shall be five (5) feet.
  - c) **Variety in elevations in homes along a block.** No more than three (3) homes of the same front elevation shall be located adjoining each other on the same side of the street within a block.
  - d) **Housing types provide a mix of incomes.** Housing should include a mix of types (e.g. single-family detached, single-family attached, townhomes, etc.), or if the same type (e.g. single-family detached) then a variety sizes as determined by square foot.
  - e) **Preferred architectural styles.** Housing shall reference Federal, Georgian, Greek Revival, Victorian, Queen Anne, Craftsman, Colonial (all varieties), Foursquare, I-House, Bungalow, Ranch, Classical, and other early settlement era architecture referenced between 1630 –1950s. Individual buildings should not reference multiple building styles or eras. Minimum elements to be included in defining an architectural style are detailed in the Design Guidelines Handbook. The Zoning Administrator shall determine compatibility with preferred architectural style. Town Council may grant a special exception if the Applicant is proposing a new style not listed in this section based upon compatibility with traditional neighborhood design.
  - f) **Preferred building materials.** Brick, masonry, hardiplank, wood, or other building materials of similar type or a combination thereof. Zoning Administrator shall determine compatibility with preferred building materials of a similar style. Town Council may grant a special exception if the Applicant is proposing a new type not listed in this section based upon compatibility with traditional neighborhood design.
  - g) **Consistent design.** Building foundation is screened with landscaping or consists of finished materials similar to that of the majority of the exterior.
  - h) **High proportion of openings (doors/windows) to walls.** Defined as a minimum twenty-percent (20%) windows on street facing façade.
  - i) **No blank facades or walls.** Defined as a minimum five-percent (5%) windows on side elevations.
  - j) **Four-sided consistent materials.** Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure.
  - k) **Accessory structure consistency.** Building materials on accessory structures shall be of similar type to that of the main structure.
  - l) **Garage orientation.** Maximum of twenty-five percent (25%) street-facing recessed and attached front-loading garages. Preferred locations are detached or attached and side- or rear-loading.
  - m) **Age-in-place design.** Universal Design (age-in-place) standards, as identified by VHDA guidelines or a similar certification, are met.
  - n) **Connectivity and walkability.** Through use of pedestrian features (e.g. sidewalks, trails, multi-use paths, etc.) connectivity internally between homes and connections to future extensions or existing infrastructure is provided.
  - o) **Quality of features.** Minimum of three (3) of the following features shall be provided per individual home:
    - 1) Columns, minimum of two (2), with a minimum six (6) inch diameter or six (6) by six (6) inch square;
    - 2) Dormer(s);
    - 3) Roof pitch between 6:12 and 12:12;
    - 4) Patio of a minimum of one-hundred (100) square feet;
    - 5) Balcony at a minimum of seventy-five (75) square feet; or
    - 6) Front porches at a minimum of six (6) by eight (8) feet minimum.

The Applicant may receive a special exception from Town Council if the architectural-style of the proposed home conflicts with meeting the three (3) features requirement.

The following items shall be included as a standard for evaluation if the thresholds are met:

- p) If street lights are required, then light types are of a traditional or historic design. Or, if the Applicant offers additional historic or traditional design lighting on private property (e.g. lamp posts).
- q) Pedestrian outdoor seating or amenities such as public art or a pocket park are provided at a rate of one item for every twenty (20) homes.
- r) Use of alleyways to serve housing on newly designed blocks or in areas where an alleyway is already platted.
- s) Where new blocks are being developed or a development is adjacent to an existing neighborhood street network, the streets shall be arranged in a traditional grid pattern to continue a sustainable network.

- t) Where new streets are being developed, a Complete Streets approach shall be followed that includes a plan for pedestrians, cyclists, and public transit (per Ashland’s long-range plans), as well as automobiles. All improvements do not need to be accommodated on-site, but the property should be analyzed and identify pathways for each of these users following the Complete Streets policy.
2. Environmentally sustainable and energy-efficient building design
    - a) **No developed lots in wetlands.** The area should be reserved for conservation or preservation.
    - b) **Quality tree coverage.** Provide a tree canopy at a minimum of twenty-five percent (25%).
    - c) **Tree-lined streets.** Provide street trees at a minimum one (1) tree per thirty (30) feet.
    - d) **Environmentally friendly building practices.** Achieve green building standards of LEED, USGBC, Viridant (formerly Earthcraft House Virginia), or a similar certification system. The Zoning Administrator shall determine compatibility of a similar certification system.
    - e) **Stormwater Quality.** Use of Low Impact Design (LID) practices in stormwater treatment or additional landscaping to compliment stormwater features as to address them as an amenity.

The following items shall be included as a standard for evaluation if the thresholds are met:

- f) **Quantity of open space.** Provide parks with recreation for new residential development at a minimum of two-hundred (200) square feet per home for development with more than twenty (20) units.
- g) **Quality open space.** Park or recreation space should be centrally located and provide pedestrian connections between the space and homes, for development with more than twenty (20) units. Park space, whether public or private, should be publicly accessible.
- h) **Protection of environmental features.** Arrange or cluster housing to provide open space or land preservation for environmentally sensitive areas (e.g. wetlands, habitat, forest, etc.).
- i) **Green infrastructure.** Connect with existing green infrastructure, as identified in the Environment Map of the Comprehensive Plan, and provide an internal path for future connections.

### 3. Affordable housing creation and preservation

The following items shall be included as a standard for evaluation if the thresholds are met:

- a) **Revitalizes existing affordable housing.** New development that renovates or redevelops existing affordable units. In making the determination as to whether housing is "affordable" the Zoning Administrator shall base determination on housing analysis provided in the Ashland Comprehensive Plan.

### 4. Historic preservation

The following items shall be included as a standard for evaluation if the thresholds are met:

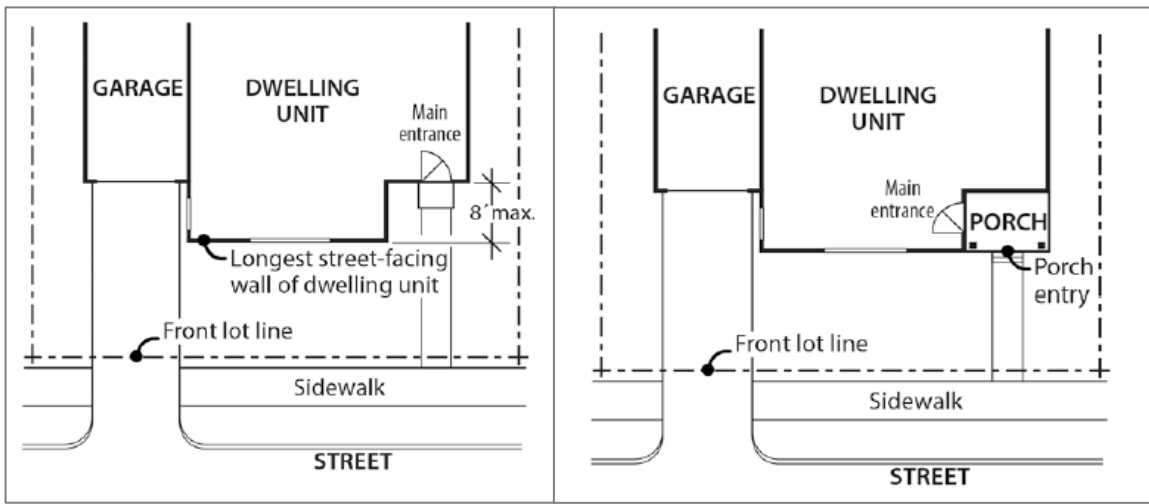
- a) **Preservation of historic structures or features.** Preserves historic structures or features (e.g. trees) identified on the historic register or documentation is submitted that structures have historic value and it is determined by the Zoning Administrator that it could be a future historic resource. Applies if structures or features are existing in the proposed development area.
- b) **Preservation of historic viewsheds or gateways.** Preserves a historic viewshed or rural gateway as identified on the historic register, Town Edge in Comprehensive Plan, or documentation of historic value is submitted and it is determined by the Zoning Administrator that it could be a future historic resource. Applies if viewsheds or a rural gateway is existing in the proposed development area.

### Sec. 21-88 Structure Regulations

1. **Window percentage.** A minimum of fifteen percent (15%) of the front facing building façade shall consist of windows. Elements to count towards the achievement of the minimum window percentage include any opening in a wall, roof, dormer, front door, or garage door which functions or appears to function to admit light to a building or structure. Glass block and vents do not meet this standard. See the Design Guidelines Handbook for guidance on window percentage calculation.

On corner lots where a building has more than one street facing side, the minimum window percentage would only be required for the street facing façade with the primary entrance to the building.

2. **Street entrance.** The primary structure shall have a minimum one (1) pedestrian street-facing entrance on the front façade. The entrance must be within eight (8) feet of the longest street-facing wall and shall:
  - (a) Face the street;
  - (b) Be at an angle of up to 45 degrees from the street; or
  - (c) Open on to a porch



On corner lots where a building has more than one street facing side, the required entrance would only apply to one street facing façade for the primary entrance to the building.

3. *Garage location.* If the garage is attached to the primary dwelling, then the garage door opening shall not face the primary frontage of the parcel, or if the garage is front-loading, it must be recessed from the primary façade of the main structure by a minimum of five (5) feet.

For development of multiple lots (more than one), no more than fifty (50%) percent of dwellings may have a recessed front-loading, attached garage.

For townhome or cottage court structures, attached front-loading garages (e.g. garage door opening faces the primary frontage) shall not be permitted. Off-street parking shall adhere to screening regulations, per Sec. 21-65.1.

4. *Consistent materials.* Exterior finish materials on the majority of the façade (greater than fifty-percent) shall be the same type on the majority (greater than fifty-percent) of all elevations of the primary structure so that the main body provides a consistent palette of materials, finishes, and colors for wall and roofing materials. See the Design Guidelines Handbook for guidelines and examples.
5. *Material quality.* Concrete masonry units, or cinderblock, shall not be a visible exterior finish material from the public road, right-of-way, or adjacent residential property.

Where a proposal is for an alteration or addition to existing structure, these requirements will only be applied to the portion of a structure being altered or added.

#### Sec 21-89 Height Regulations

No building or structure shall exceed a height of thirty-five (35) feet from grade. See ATC chapter 21, article XXV for supplemental height regulations.

#### Sec 21-90 Site Plan Required

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

#### Sec 21-91 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 ATC article XXIII of this chapter.

#### Sec 21-92 Reserved

### ARTICLE XII NEIGHBORHOOD COMMERCIAL DISTRICT B-4

#### Sec 21-112 Use Regulations

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

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. Lodge, with a conditional use permit.
17. 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.
18. Parks and playgrounds with a conditional use permit.
19. Public facilities with a conditional use permit.
20. Retail stores. If an individual use occupies more than two thousand five hundred (2,500) square feet of floor area,
21. then with a conditional use permit.
22. Schools with a conditional use permit.
23. Single-family home, detached.
24. Taxicab stand with a conditional use permit.
25. Utilities, major with a conditional use permit.
26. 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.

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

## [ARTICLE XXIII LANDSCAPING](#)

### [Sec 21-232 Tree Preservation And Planting](#)

1. *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.
2. *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, **RRC, RIn**, R-1, R-2, R-3, R-4, RO-1 and PMH districts: Twenty (20) 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-1D, 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.

3. *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 **Design 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.
4. *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.
5. *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.~~
6. *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 **Design 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.
7. *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.

### Sec 21-233 Landscape Setbacks

1. *Landscaped setback required.* A landscaped setback of not less than twenty (20) feet in depth measured from the existing or future right-of-way, whichever is greater, shall be provided along all streets, except that this requirement shall not be applicable to:
  1. Property located in the B-1 or B-1D districts (See ATC article X of this chapter for setback and yard requirements in the B-1 district or ATC Article X-A of this chapter for setback and yard requirements in the B-1D district); and

2. Property devoted to single-family detached, **single-family attached, multifamily, townhome, cottage court**, or two-family use (See setback and yard requirements in the district in which the use is located).
2. *Improvement of required landscaped setbacks.* Required landscaped setbacks shall be landscaped with appropriate vegetative ground cover or shrubbery and shall be provided with street trees as specified in ATC section 21-234. At least 50% of the linear frontage, not including areas dedicated for ingress and egress, shall include continuous vegetative shrubbery at full plant maturity and at a maximum of thirty (30) inches in height. Existing healthy trees with a caliper of ten (10) inches or greater located within such setback shall be preserved unless preservation is not possible due to circumstances external to the site. Approved walkways and other incidental improvements for pedestrian use may be located within landscaped setbacks. (See the **Design Development** Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.)
3. *Use of required landscaped setbacks.* No building or structure, other than a permitted sign, and no parking, loading or vehicle circulation area, except approved means of ingress and egress, shall be located within any required landscaped setback. No required landscaped setback shall be used for the display or storage of items for sale or for any similar activity.
4. *Exceptions.* The following provisions shall apply to all corner parcels zoned B-2, M-1, or PSC. Exceptions to the required landscape setbacks may be granted to allow for future economic development/redevelopment of key intersections that are currently inhibited by the landscape setback requirements of this section. Exceptions to the required twenty (20) foot landscape setback shall be allowed if the following minimum conditions are met, provided that the minimum depth of the landscape setback is reduced to no less than seven and one-half (7.5) feet:
  1. The required twenty (20) foot landscape setback may be reduced by five (5) feet if the minimum amount of parking area landscaping required by Sec. 21-235(c) is increased from 5% to 10%.
  2. The required twenty (20) foot landscape setback may be reduced by five (5) feet if the minimum number of street trees required by ATC Sec. 21-234 is increased by 25%.
  3. The required twenty (20) foot landscape setback may be reduced by five (5) feet if the amount of vegetative shrubbery required by ATC Sec. 21-233(b) is increased from 50% to 75%.

#### Sec 21-234 Street Trees

1. *Required street trees.* Street trees as specified in this section shall be preserved or planted along all streets. ~~except that this requirement shall not be applicable to single-family detached dwellings on existing lots of record.~~ 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 or 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 of floor area, whichever is less. (See ATC section 17-35 of chapter 17, subdivision of land, for street tree requirement in single-family subdivisions).
2. *Number of street trees required.* Street trees shall be provided at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of street frontage. In B-1, **RI, R-1, R-2, R-3, R-4, and R-5**, this rate shall be not less than one (1) tree for each fifty (40) linear feet unless the administrator reduces or eliminates this standard based on the size, street frontage, existing vegetation, or specific conditions of the site. In addition thereto, median strips within a development shall be provided with street trees at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of such median. It is not the intent of this provision to require that street trees be provided with specific or uniform spacing, but that they be distributed throughout permitted locations with consideration for the species of trees, and the locations of driveways, other landscaping and topographic features, signs, easements and utilities, in accordance with guidelines contained in the **Design Development** Guidelines Handbook.
3. *Location of trees.* Trees to be credited toward the street tree requirement shall be located within the required landscaped setback as set forth in ATC section 21-233, provided that street trees may be located within the street right-of-way when in accordance with the guidelines contained in the **Design Development** Guidelines Handbook. In any case where a landscaped setback is not required by ATC section 21-233, required street trees may be located within the street right-of-way or on the lot and within ten (10) feet of the street line.

4. *Minimum tree sizes.* Trees to be credited toward the street tree requirement shall be deciduous trees having a caliper of not less than two and one-half (2 1/2) inches at the time of planting or, in the case of existing trees to be preserved, at the time of completion of development on the site.
5. *Credit for preservation of existing trees.* Healthy existing trees to be preserved shall be credited toward the street tree 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 **Design Development** Guidelines Handbook or additional supporting data submitted with the landscape plan.
6. *Acceptable species, spacing of trees and other standards.* Acceptable species, spacing of trees, accepted means of protecting existing trees and other standards and guidelines for tree preservation and tree planting shall be as specified in the **Design Development** Guidelines Handbook.

This Ordinance shall take effect upon adoption.

Introduced:

Town Council referred to Planning Commission: October 3, 2017

Advertised:

Planning Commission:

Herald Progress: September 28, 2017 and October 5, 2017

Town Council:

Herald Progress: January 4, 2018, and January 11, 2018

Public Hearing:

Planning Commission: October 11, 2017

Town Council: January 16, 2018

Town Council Vote:

Approval (5-0)

Adopted:

February 20, 2018

  
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Clerk