

Chapter 66

Zoning

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Article I. IN GENERAL

Section 66-1. - Short title.

This chapter, the full title of which is "Zoning Ordinance, Town of Mount Jackson, Virginia," may, for convenience, be referred to as the "Mount Jackson Zoning Ordinance," and the accompanying map, titled "Zoning Map, Town of Mount Jackson, Virginia," may be referred to as the "Mount Jackson Zoning Map."

Section 66-2. - Introduction: authority and jurisdiction.

Pursuant to Virginia Code §15.2-2280 and 2281, as amended, the Town of Mount Jackson is given the authority to classify and regulate land development under its jurisdiction. The Town of Mount Jackson's Comprehensive Plan embodies the community's vision and goals. Two primary mechanisms for achieving the Town's land use goals are the zoning and subdivision ordinances. The zoning ordinance sets forth the regulations that legally enforce land use policies and establishes the rules guiding the development of land within the Town. Similarly, the subdivision ordinance establishes the rules by which land can be divided, often setting the stage for subsequent development under the zoning regulations. These two land use tools work hand in hand to help achieve the Town's vision regarding land use and the overall well-being of the community.

Section 66-3. - Purpose.

- (a) This ordinance, and any amendments hereto, have been adopted for the general purpose of implementing the Comprehensive Plan of the Town of Mount Jackson; for the purpose of promoting the health, safety, or general welfare of the public; and, of further accomplishing the objectives established in Virginia Code §15.2-2283, as amended. To these ends, this ordinance is designed to give reasonable consideration to each of the following purposes:
- (1) Provide for adequate light, air, convenience of access, and safety from fire, flood, crime, and other dangers;
 - (2) Reduce or prevent congestion in the public streets;
 - (3) Facilitate the creation of a convenient, attractive, and harmonious community;
 - (4) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
 - (5) Protect against destruction of, or encroachment upon, historic areas;
 - (6) Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic, or other dangers;
 - (7) Encourage economic development activities that provide desirable employment and enlarge the tax base;
 - (8) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
 - (9) Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the Town; and
 - (10) Protect surface and groundwater resources.

- (b) This chapter shall not be deemed to interfere with, abrogate, annul, or otherwise affect, in any manner whatever, any easements, covenants, or other agreements between parties; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or permits or by easements, covenants or agreements, the provisions of this chapter shall prevail.

Section 66-4. - Applicability.

The provisions of this ordinance shall apply to all property within the corporate limits of the Town of Mount Jackson, Virginia, with the exception that any property held in fee simple ownership by the United States of America or the Commonwealth of Virginia shall not be subject to the provisions contained herein.

Section 66-5. - Severability.

Should any section or any provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so held to be unconstitutional or invalid.

Sections 66-6 – 66-19. Reserved.

Article II. ADMINISTRATION

Section 66-20. - Zoning administrator.

(a) Powers and duties.

This chapter shall be enforced by the zoning administrator, who shall be appointed by the town council. The administrator shall serve at the pleasure of the council and shall have such duties as are conferred on him by this chapter and Virginia Code §15.2-2286, as amended. The zoning administrator may also hold another office in the town.

(b) Minimum submission standards for applications.

(1) The zoning administrator shall establish minimum standards for submission requirements of all applications associated with the zoning ordinance. Applications shall contain all information required to meet the minimum standards.

(2) Upon written request by an applicant, the zoning administrator, or his or her agent, may waive or modify a submission requirement or requirements upon a determination that the information is not necessary to evaluate the merits of the application.

(c) Vested rights, not impaired.

The provisions of this chapter shall not impair a vested right of a property owner. The zoning administrator shall be authorized to make determinations on whether a property owner's rights are deemed vested in a land use. Vested rights determinations shall be made in accordance with Virginia Code §15.2-2307, as amended.

Section 66-21. - Boards and commissions.

(a) Planning commission.

(1) Appointment and membership.

The planning commission shall be created and organized pursuant to Virginia Code §15.2-2210 and §15.2-2212, as amended, and as follows:

- a. The commission shall consist of seven members appointed by council. All members must be residents of the town, with at least half of the members owning property in the town.
- b. The term of office shall be four years. One of the seven appointed members shall be an active member of council. Vacancies shall be filled by council by appointment to complete the unexpired term.
- c. A commission member may be removed by council for malfeasance, or if absent from any three consecutive meetings of the commission, or if absent from any four meetings of the commission within any 12-month period.
- d. The commission shall choose annually a chairman, vice-chairman, and secretary. The vice-chairman shall act in the absence of the chairman. The chairman and vice-chairman shall be voting members of the commission. The secretary need not be a member of the commission.

(2) Power and duties.

The commission shall have the powers and duties established by Virginia Code §15.2-2221, as amended, and as follows:

- a. To hear and make recommendations to council on applications for special use permits, zoning text or map amendments;

- b. Supervise its fiscal affairs and responsibilities, under rules and regulations prescribed by council;
 - c. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
 - d. Provide an annual report to council concerning the operation of the commission and the status of planning within the town;
 - e. Prepare and recommend to council a comprehensive plan for the town in accordance with Virginia Code §15.2-2223;
 - f. If deemed advisable, establish advisory committee or committees; and
 - g. Any other duties delegated by council.
- (3) Rules, regulations, and meetings.

The commission shall conduct meetings pursuant to Virginia Code §15.2-2214, 2215, and 2217, as amended, and as follows:

- a. The commission shall adopt such rules and regulations as it may consider necessary.
- b. Pursuant to Virginia Code §15.2-2287, as amended, members are required to disclose any property interest in petitions brought before the commission and may be disqualified from acting upon the matter.
- c. The commission shall establish the date and time for regular meetings. The commission shall meet at least once per year.
- d. Special meetings may be called by the chairman, or by two members upon written request to the secretary.
- e. The commission shall keep minutes of its proceedings, showing the vote of each member, all of which shall be public record.
- f. All meetings of the commission shall be open to the public.
- g. A quorum shall be at least four members.

(b) Board of Zoning Appeals.

(1) Appointment and membership.

Pursuant to Virginia Code §15.2-2308, as amended, a board of zoning appeals shall be created and organized as follows:

- a. The council shall recommend for appointment by the circuit court, a board of zoning appeals consisting of five members. The board shall receive salaries or other compensation for their services as shall be fixed by council. Appointments for vacancies occurring otherwise than by expiration of term shall in all cases be for the unexpired term.
- b. The term of office shall be for five years. One of the five members shall be an active member of the planning commission.
- c. Any board member may be removed from office by the court which appointed him for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, after a hearing held after at least 15 days' notice.
- d. Any board member shall be disqualified to act upon a matter before the board with respect to property in which the member has an interest.
- e. The board shall choose annually its own chairman and vice-chairman. The vice-chairman shall act in the absence of the chairman. The zoning administrator, or designee, shall serve as secretary to the board.

(2) Power and duties.

Pursuant to Virginia Code §15.2-2309, as amended, a board of zoning appeals shall have the following powers and duties:

a. Appeals.

(i) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this chapter.

(ii) No such appeal shall be heard except after notice and hearing as provided by Virginia Code §15.2-2204, as amended.

b. Variance.

(i) To authorize upon appeal or original application for a variance, as defined in Virginia Code §15.2-2201, as amended, under the terms of this chapter when a literal enforcement of the provisions of this chapter will result in unnecessary hardship; provided that the spirit of this chapter shall be observed and substantial justice done.

(ii) No such variance shall be heard except after notice and hearing as provided by Virginia Code §15.2-2204, as amended.

c. Boundary interpretations.

(i) To hear and decide applications for interpretation of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by any such question, and after public hearing with notice as required by Virginia Code §15.2-2204, as amended, the board may interpret the map in such way as to carry out the intent and purpose of this chapter for the particular section or district in question.

(ii) The board shall not have the power to change substantially the locations of district boundaries as established by the ordinance.

(iii) No provision of this section shall be construed as granting the board the power to rezone property.

(3) Rules, regulations, and meetings.

a. The board shall adopt such rules and procedures as it may consider necessary.

b. The board may adopt policies regarding ex parte communication that are accordance with Virginia Code §15.2-2308.1, as amended.

c. Pursuant to Virginia Code §15.2-2287, as amended, members shall be required to disclose any property interest in petitions brought before the board and may be disqualified from acting upon the matter.

d. Meetings of the board shall be held at the call of its chairman or at such time as a quorum of the board may determine.

e. The chairman or, in his absence, the vice-chairman may administer oaths and compel the attendance of witnesses.

f. The board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be public record.

g. All meetings of the board shall be open to the public.

h. A quorum shall be at least three members.

- i. A favorable vote of three members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter on which the board is required to pass.

Section 66-22. - Permits and applications.

(a) Compliance required.

All departments, officials, and public employees of the town, who are vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this chapter. They shall issue permits for uses, buildings, or purposes only when they are in harmony with the provisions of this chapter.

(b) Outstanding fees and taxes.

Pursuant to Virginia Code §15.2-2286 (B), as amended, prior to the initiation of an application, the applicant shall produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the town have been paid, unless otherwise authorized by the treasurer.

(c) Zoning permit.

(1) Purpose and intent.

The purpose of this section is to establish a procedure for the review of proposed development to ensure its compliance with the requirements of this ordinance.

(2) Applicability.

Pursuant to Virginia Code §15.2-2286, as amended, a zoning permit is required for any change in the use of land, buildings or structures, and for the construction of a new building or structure, or the reconstruction, enlargement, demolition or alteration of any existing building or structure.

(3) Standards and procedures.

- a. Zoning permit applications shall be reviewed using the procedures and minimum submission requirements established by the zoning administrator.
- b. Each application shall be accompanied by a drawing showing dimensions of all structures, including the proposed structure and lot. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the other structures on the lot, the property lines of the parcel of land and to the right-of-way of any street or highway adjoining the parcel of land. Any other information which the administrator may deem necessary for consideration of the application may be required.
- c. The zoning administrator shall act on a zoning permit application without public notice, except if the applicant is not the owner, a copy of the notice of such action shall be sent to the owner as set forth in Virginia Code §15.2-2204(H), as amended.
- d. The zoning administrator may request a review by the planning commission of a request for a zoning permit prior to the issuance of such zoning permit, in order to determine if the contemplated use is in accordance with the district for which the permit will apply.

- e. If the proposed building or use is in conformity with the provisions of this chapter, a permit shall be issued to the applicant by the administrator. A copy of the application shall be returned to the applicant with the notice of action.

(4) Appeal.

Any applicant or person aggrieved by the application decision shall have the right to appeal the decision pursuant to the procedures set forth in § 66-25.

(d) Special use permit.

(1) Purpose and intent.

A use requiring a special use permit is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish procedures and standards for review and approval of use permits that provide for such special consideration.

(2) Applicability.

A special use permit is required for development of any use designated in § 66-34 as a use requiring a special use permit in accordance with this section, and pursuant to Virginia Code §15.2-2286, as amended.

(3) Standards and procedures.

a. Application.

- (i) Special use permit applications shall be reviewed using the procedures and minimum submission requirements established by the administrator.
- (ii) Pursuant to Virginia Code §15.2-2289, as amended, all applicants must disclose all equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest.

b. Public notice.

- (i) In accordance with Virginia Code §15.2-2204, as amended, the planning commission shall not recommend, nor shall the council, approve any special use permit until public hearings have been held by both the commission and the council. Notice of public hearings shall be published once a week for two successive weeks in some newspaper published or having general circulation in the town, provided that such notice for both the commission and the council may be published concurrently. Such notice shall specify the time and place of a hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement shall appear in such newspaper. The subject matter of the public hearing need not be advertised in full but may be advertised by reference. Each such advertisement shall contain a reference to the places within the town where copies of the proposed permit may be examined. The commission and council may hold a joint public hearing after providing public notice as set forth herein, and if such joint hearing is held, the public notice shall note that the hearing is being held by both the commission and the council. The term "two successive weeks," as used in this subsection, shall mean that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publications.

- (ii) Pursuant to Virginia Code §15.2-2206, as amended, the applicant shall give written notice to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the town's real property tax records. This notice shall give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. This notice shall be mailed a minimum of ten days prior to the date of the public hearing. The list of property owners and the content of the notice shall be approved by the zoning administrator prior to mailing.
 - (iii) Pursuant to Virginia Code §15.2-2206, as amended, the town shall give written notice to adjacent localities within one-half mile of the subject property. Written notice shall be given at least ten days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.
- c. Standards for review.
- (i) The planning commission shall hold at least one public hearing and make its recommendation to council within 100 calendar days of the public hearing date, unless the applicant requests an extension and the commission votes to grant such an extension for a defined period not to exceed a total of 180 calendar days from the date of the public hearing.
 - (ii) The council shall hold at least one public hearing, which may be a joint hearing with the commission. The council shall take final action to approve or deny the permit after receiving the recommendation of the commission.
 - (iii) Special use permits may be issued for any of the uses for which a special use permit is required by the provisions of this chapter, provided that the council, upon a recommendation by the commission, shall find that:
 - 1. The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use;
 - 2. The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood;
 - 3. The proposed use will not conflict with the policies and principles of the town's adopted comprehensive plan; and
 - 4. Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.
 - (iv) In granting any special use permit, council shall give due consideration to the relevant factors in subparagraph iii above, as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and council shall provide such conditions as it deems necessary to carry out the intent of this chapter. All such conditions shall be reasonably related both in nature and extent to the impact of the proposed development. The application for such special use permit shall be accompanied by such information as may be necessary to enable the commission and council to make the recommendation and findings set forth above.
- d. Effect of decision; Period of validity.

- (i) A special use permit authorizes only the particular use(s) and associated development that is approved. A special use permit, including any approved plans and conditions, shall run with the land, and shall not be affected by a change in ownership.
- (ii) Construction or operation shall commence within two years of the date of issuance or the special use permit shall become void, or as otherwise specified in Virginia Code §15.2-2209.1, as amended.
- (iii) No application for a special use permit shall be considered by the council within one (1) year from the date that council acted on an application for the same or substantially the same use on the same parcel of land, except by motion of council to rehear.
- (iv) Should the use approved by the special use permit cease for any 24-month period during the life of the permit, the special use permit shall become void.

(4) Appeal.

Any applicant or person aggrieved by the application decision shall have the right to appeal the decision pursuant to the procedures set forth in § 66-25.

(e) Variance.

(1) Purpose and intent.

Pursuant to Virginia Code §15.2-2309, as amended, the purpose of a variance is to allow for a reasonable deviation from the provisions of this ordinance regulating the shape, size, or area of a lot or parcel of land or the size, height, area, bulk, or location of a building or structure when the strict application of the ordinance would unreasonably restrict the utilization of the property, and such need for a variance would not be shared generally by other properties, and provided such variance is not contrary to the purpose of the ordinance.

(2) Standards and procedures.

a. Authority.

- (i) The board of zoning appeals is authorized to review upon appeal or original application petitions for a variance, provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standard for a variance and the criteria set out in this section.
- (ii) The board of zoning appeals may approve, approve with conditions, or deny an application for a variance permit in accordance with the procedures and standards of this section.

b. Application.

- (i) In accordance with Virginia Code §15.2-2310, as amended, an application for a variance may be made by any property owner, tenant, government official, department, board, or bureau. Applications shall be made to the zoning administrator in accordance with rules adopted by the board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the secretary of the board of zoning appeals who shall place the matter on the docket to be acted upon by the board. The zoning administrator shall also transmit a copy of the application to the planning commission, which may send a recommendation to the board or appear as a party at the public hearing.

- (ii) In accordance with Virginia Code §15.2-2289, as amended, all applicants must disclose all equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors and in any case the names and addresses of all of the real parties of interest.

- c. Public notice.
 - (i) In accordance with Virginia Code §15.2-2204, as amended, no variance shall be considered except after notice and a public hearing. Notice of a public hearing before the board of zoning appeals shall be published once a week for two successive weeks in some newspaper published or having general circulation in the town. Such notice shall specify the time and place of a hearing at which persons affected may appear and present their views, not less than five days nor more than 21 days after the second advertisement shall appear in such newspaper. The subject matter of the public hearing need not be advertised in full but may be advertised by reference. Each such advertisement shall contain a reference to the places within the town where copies of the proposed variance may be examined. The term "two successive weeks," as used in this subsection, shall mean that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publications.
 - (ii) Pursuant to Virginia Code §15.2-2206, as amended, the applicant shall give written notice to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the town's real property tax records. This notice shall give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. This notice shall be mailed a minimum of ten days prior to the date of the public hearing. The list of property owners and the content of the notice shall be approved by the zoning administrator prior to mailing.
- d. Standards for review.
 - (i) In accordance with Virginia Code §15.2-2309 (2), as amended, a variance shall be granted by the board of zoning appeals if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property, or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property, or improvements thereon at the time of the effective date of the ordinance; and
 1. The property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance;
 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to the ordinance;
 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 5. The relief or remedy sought by the variance application is not available through a special use permit or zoning modification process that is authorized in the ordinance.

- e. Effect of decision; Period of validity.
 - (i) Issuance of a variance shall authorize only the particular variance that is approved. A variance, including any conditions, shall run with the land and not be affected by a change in ownership.
 - (ii) Development authorized by the variance shall not be carried out until the applicant has secured all other permits required by this ordinance or any other applicable ordinances and regulations of the town. A variance, in itself, shall not ensure that the development approved through a variance shall receive subsequent approval for any other necessary applications for permit or development approval.
 - (iii) No reapplication for a variance for the same or substantially the same application shall be considered by the board of zoning appeals within a period of one year from its last consideration.

(3) Appeals.

Any person jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, commission, or the town, within 30 days of the date of the decision, may appeal the decision of the board of zoning appeals on a variance to the circuit court, as provided by Virginia Code §15.2-2314, as amended.

(f) Site Plans.

(1) Purpose and intent.

The purpose of this section is to promote the orderly development of certain activities in the town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the project's compatibility with its environment; to review the ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians; to review the quantity, quality, utility, and type of the project's required community facilities; and, to review the location and adequacy of the project's provision for drainage and utilities.

(2) Applicability of requirements.

- a. Pursuant to Virginia Code §15.2-2286.A.8, as amended, no building permit or zoning permit shall be issued involving construction or exterior modifications to a building until a site plan has been issued in accordance with the procedures established herein. Site plans are required and shall be submitted for all new structures, all renovated structures, and all additions to existing structures, with the following exceptions:
 - (i) Single-family dwelling.
 - (ii) Two-family dwellings.
 - (iii) Accessory uses where the area of land disturbance is less than 2,500 square feet.
 - (iv) Bona fide agricultural operations and the customary accessory uses and structures associated with bona fide agricultural operations.
 - (v) Filling and grading operations with an area of disturbance less than 2,500 square feet and where no impervious structures, surfaces, or improvements will be installed and no clearing undertaken.

- b. Where a change of use of an existing structure requires additional parking or other requirements applicable to a new use, a site plan shall be submitted for review to ensure that the change of use can be accomplished within the purpose and intent of this chapter.
- (3) Waiver of requirements.
- a. Any requirement of this section may be waived by the zoning administrator with the approval of the planning commission and council, where the waiver is not adverse to the purpose of this section and the applicant establishes that in this specific case an undue hardship would result from a strict enforcement of this section, or that the requirement is unreasonable.
 - b. The administrator, with the approval of the commission, may waive the requirements for site plan review for additions to buildings, structures, and uses, if in his opinion such addition does not substantially affect the purpose and intent of this section.
- (4) Specifications and contents.
- a. Every site plan shall be prepared in accordance with the following specifications:
 - (i) The scale shall not be less than 50 feet to one inch.
 - (ii) All site plans shall be submitted on 24-inch by 36-inch sheets.
 - (iii) If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.
 - (iv) Horizontal dimensions shall be in feet and decimals of feet to the closest 1/100 of a foot.
 - (v) The north point, scale, and date.
 - b. The site plan, or any portion thereof, involving engineering, urban planning, landscape architecture, architecture or land surveying shall be prepared by qualified persons. Site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the state within the limits of their respective licenses. The site plan shall provide the following:
 - (i) A vicinity map at a scale between one-inch equals 250 feet and one-inch equals 2,000 feet showing the location of the property with regard to major roads, jurisdictional boundaries, and landmarks.
 - (ii) A boundary survey of the tract with total area.
 - (iii) A certificate, signed by the surveyor or engineer, setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
 - (iv) All existing and proposed streets, alleys, and easements, including their names, numbers, widths, and grade.
 - (v) Existing and proposed utilities.
 - (vi) Property owners, zoning and present use of adjoining property.
 - (vii) Location, type and size of vehicular entrances to the site.
 - (viii) Locations, types, sizes and heights of fencing, retaining walls and screen planting where required.
 - (ix) All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with § 66-45.

- (x) Existing and proposed pedestrian routes, including links between various buildings.
 - (xi) Number of floors, floor area, height, and location of each building and proposed general use for each building. If a multifamily residential building, the number, size and type of dwelling units.
 - (xii) Emergency service ingress/egress, fire suppression methods and other relevant emergency related building code requirements.
 - (xiii) All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made, fire hydrants, utility lines, culverts, bridges, railroads, quarries, strip mines, watercourses, and other significant manmade features.
 - (xiv) Provisions for the adequate disposition of natural and storm water, indicating locations, sizes, types, and grades of ditches, catch basins and pipes and connections to existing drainage system.
 - (xv) Existing topography, with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.
 - (xvi) Proposed finished grading by contours, supplemented where necessary by spot elevations.
 - (xvii) Natural features including perennial streams, 100-year floodplains, lakes, ponds, tree masses, rock outcrops or other natural features within 500 feet from the boundaries of the proposed development.
 - (xviii) A landscape plan demonstrating at a minimum the type, size and location of plantings.
 - (xix) All proposed open space areas including common open space, dedicated open space and developed recreational open space.
 - (xx) Sequence of development schedule with approximate completion date for each stage and a cost estimate of all improvements within each stage.
 - (xxi) Other items as may be requested by the zoning administrator, his authorized agent, or the planning commission in consideration of the application which may include, but is not limited to, a traffic impact analysis, fiscal impact analysis and a signage plan.
- c. The following improvements and minimum standards, as applicable, shall be required and provided for in a site development plan:
- (i) All street and highway construction standards in accordance with those specified in chapter 50.
 - (ii) The pavement of vehicular travel lanes, driveways, or alleys designed to permit vehicular travel on the site and to and from adjacent property.
 - (iii) Cul-de-sacs shall be designed and constructed in accordance with the street standards specified in chapter 50 and may not be construed or employed as a parking bay.
 - (iv) The minimum utility easement width shall be 20 feet. The nearest edge of any easement shall be a minimum of five feet from any building.
 - (v) All required screening shall be sufficiently dense or opaque to screen development effectively from the adjacent properties.
- d. Review and approval.

- (i) Unless otherwise provided in another article of this chapter, every site plan required by this article shall be submitted to the zoning administrator, who shall review the plans for conformity with the comprehensive plan and applicable development regulations.
 - (ii) Up to five copies of the plan shall be submitted to the administrator. The administrator shall circulate the plan to the relevant departments, boards, and agencies for written comments and shall notify the applicant of the action taken, which may be approval, approval subject to conditions or disapproval.
 - (iii) In accordance with Virginia Code §15.2-2259, as amended, the site plan shall be approved within 60 days after it has been officially submitted for approval if it is found to be adequate with respect to:
 - 1. Locations and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.
 - 2. Locations and adequacy of automobile parking areas.
 - 3. Adequate provision for traffic circulation and control within the site and provision for access to adjoining property.
 - 4. Compliance with the requirements for setback and screening.
 - 5. Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
 - 6. Compliance with applicable established design criteria, construction standards and specifications for all improvements.
 - 7. Adequacy of proposed landscaping for softening the harsh visual effects of parking lots and for providing screening between the development and the street and surrounding lots.
- (5) Period of validity.
- a. Approval of a site plan submitted under the provisions of this article shall expire five years after the date of such approval unless building permits have been obtained for construction in accordance therewith.
 - b. No permit shall be issued for any structure in any area covered by the site plan that is required under the provisions of this article except in conformity with such site plan which has been duly approved.
- (6) Amendments.
- If it becomes necessary for an approved site plan to be changed, the administrator shall, at the applicant's request, either administratively approve an amendment to the site plan or, if the change is major, require that a new site plan be drawn and submitted for review and action in accordance with this section.

Section 66-23. - Amendments and rezonings.

- (a) Zoning text and map amendments.
 - (1) In General.

Pursuant to Virginia Code §15.2-2286(7), as amended, whenever public necessity, convenience, general welfare, or good zoning practice requires, the council may, from time to time, amend, supplement or change, by ordinance, the boundaries of the districts or the regulations established in this chapter. Such change shall require a majority vote of the council.
 - (2) Procedures and standards.
 - a. Initiation of change.
 - (i) Amendments to this chapter may be initiated by:

1. Resolution of the council;
 2. Resolution of the planning commission; or
 3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the council or the planning commission, who shall forward such petition to the zoning administrator, together with the fee as set forth in the fee schedule adopted by the council.
- (ii) Any area annexed shall be considered as agricultural A-1 until and unless designated otherwise after the required public hearings outlined in this section.
- b. Application.
- Each application for rezoning shall be accompanied by the following unless specific items are waived by the council or approved for later submission in accordance with the requirements of this article:
- (i) A statement describing the nature of the proposed development and explaining the relationship of the development to the comprehensive plan.
 - (ii) A statement setting forth a maximum number of dwelling units or lots proposed, including density and open space calculations where applicable to any residential development, or a statement describing the types of uses proposed and the approximate square footage for each nonresidential development.
 - (iii) A statement detailing any special amenities that are proposed.
 - (iv) A statement of the public improvements both on and off site that are proposed for dedication and/or construction and an estimate of the date for providing such improvements.
 - (v) A statement setting forth the proposed approximate development schedule.
 - (vi) A site plan listing and detailing the nature and location of any proffered conditions and those proposed circumstances which prompted the proffering of such conditions.
 - (vii) A landscape plan demonstrating compliance with § 66-43.
 - (viii) Architectural renderings in color of all proposed structures to be constructed or altered and a list of the color and type of exterior finishes proposed.
 - (ix) A statement of any reasonable conditions voluntarily proffered by the applicant in accordance with this article.
 - (x) A report analyzing the impacts of any rezoning shall be required to be submitted by the applicant with any application for rezoning. The zoning administrator shall determine which issues need to be addressed.
 1. In general, the impact analysis shall assume the maximum density or intensity of development allowed under the rezoning classification. Lesser densities or intensities can be assumed if such lesser densities or intensities are proffered as conditions on the rezoning. In general, the maximum possible impacts shall be assumed unless conditions are proffered to lessen those impacts. The impact analysis may be based on a master development plan or site plan only if that plan is proffered as a condition of the rezoning.
 2. The impact analysis shall include the following:

- a. The use of surrounding land and potential economic, physical, visual, nuisance, and other impacts on surrounding properties.
 - b. The anticipated increase in traffic to be generated as a result of the rezoning, anticipated entrance locations, anticipated changes in traffic patterns and turning movements on public streets, and anticipated impacts on the capacity and efficiency of existing and planned public roads.
 - c. The anticipated methods by which sewer and water facilities will be provided to the site.
 - d. The anticipated increase in potential population resulting from the rezoning, including the potential increase in population in various age groups.
 - e. The projected additional demand for school facilities, public parks and recreational facilities, solid waste facilities, emergency services facilities, and other public facilities.
 - f. Anticipated stormwater impacts.
 - g. The location of important environmental features on the site and anticipated environmental impacts.
 - h. The location of historic structures and sites in relation to the site and impacts on those historic structures and sites.
- c. Review procedures.
- (i) Applications for amending this ordinance shall be reviewed using the procedures set forth in this chapter. Upon receipt of an application for a zoning text amendment or rezoning, the zoning administrator will review the application for completion.
 1. Once the application has been determined to be complete, the zoning administrator shall evaluate the application and may request that the applicant make revisions as necessary to address review comments. No agent of the town is authorized to suggest, demand, or accept a proffer that is unreasonable under applicable law.
 2. The zoning administrator shall forward a report and recommendation with the application to the planning commission for public hearing. An application shall not be scheduled for public hearing until all notification requirements have been satisfied.
 3. The commission shall not make a recommendation on a request for a zoning text amendment or rezoning until after the application has been advertised and a public hearing held in accordance with the requirements of this article.
 4. The planning commission shall advise the council whether to:
 - a. Approve the amendment or rezoning;
 - b. Approve the amendment or rezoning with conditions; or
 - c. Deny the application or amendment or rezoning.
 5. If after 100 days, the planning commission has not issued its recommendation, the request is transmitted to the council, and council shall take any action it deems appropriate.
 - (ii) All motions, resolutions or petitions for amendment to the ordinance, or map, or both, shall be acted upon and a decision made by council within such

reasonable time as may be necessary which shall not exceed 12 months, unless the applicant requests or consents to action beyond such period, or unless the applicant withdraws the request.

- (iii) In accordance with Virginia Code §15.2-2289, as amended, any applicant must disclose all equitable ownership of the real estate to be affected including, in the case of corporate ownership, the name of stockholders, officers and directors, and in any case the names and addresses of all of the real parties of interest.

d. Public notice.

- (i) Pursuant to Virginia Code §15.2-2204, as amended, the planning commission shall not consider a recommendation nor shall the council consider action on any request under this section until a public hearing regarding the request is advertised once a week for two successive weeks in a newspaper having general circulation in the town, provided that such notice for both the commission and council may be published concurrently. Such notice shall specify the time and place of a hearing at which persons affected may appear and present their views. Such hearing shall be held not less than five days nor more than 21 days after the second advertisement appears in such newspaper. The subject matter of the public hearing need not be advertised in full but may be advertised by reference. Each such advertisement shall contain a reference to the places within the town where copies of the proposed plans, ordinances or amendments may be examined. In the case of a proposed amendment to the zoning map (rezoning), the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, set forth in the applicable part of the comprehensive plan. No land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required by this chapter.
- (ii) The planning commission and council may hold a joint public hearing after providing public notice as set forth herein, and if such joint hearing is held, the public notice shall note that the hearing is being held by both the commission and the council. The term "two successive weeks," as used in this subsection, shall mean that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publications.
- (iii) When a proposed amendment of this chapter involves a change in the zoning classification of 25 or fewer parcels of land, then notice shall be provided pursuant to Virginia Code §15.2-2204 (B), as amended.
- (iv) Individual property owners may petition the council to have their property rezoned by submitting their requests in writing, accompanied by payment of applicable fees to defray the cost of advertising and administration, to the administrator. Action shall be taken on each such petition in conformity with the provisions of this section, including the requirements for public notice. The applicant shall also place a sign provided by the town on the subject property which indicates that this action is pending. This sign shall be located to be clearly visible from the street.

e. Standards for review.

- (i) In determining what, if any, amendments to this chapter or the zoning district map are to be adopted, the council shall:
 - 1. Consider the proper relationship of such amendment to the entire zoning plan;
 - 2. Consider the integrity and validity of the zoning districts described in this chapter;
 - 3. Avoid isolated unplanned spot-zoning changes in the zoning district map;
 - 4. Recognize that a certain element of stability is desirable in land use controls but conditions and standards will change;
 - 5. Consider the right of all citizens to be treated reasonably; and
 - 6. Evaluate all changes based on the comprehensive plan and a comprehensive analysis of community conditions.
 - (ii) Any amendments adopted by the council may be modified from the form in which they were advertised within the limits necessary to relate properly such amendments to the zoning plan and ordinance; provided, however, that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice as required in this article.
- f. The zoning administrator shall cause the zoning district map to be updated as frequently as necessary to ensure that zoning data shown thereon are both accurate and current. Accordingly, all changes affecting the zoning district map that are approved by the council shall be entered onto the original official zoning district map within not less than 30 days following the approval of such changes.
- g. Reconsiderations; Period of validity.
- (i) Whenever a petition requesting an amendment, supplement or change has been denied by council, such petition, or one substantially similar, shall not be reconsidered sooner than 12 months after the previous denial.
 - (ii) Whenever a petition requesting an amendment has been withdrawn, such petition, or one substantially the same, shall not be reconsidered within 12 months of the first publication notice of a public hearing with the planning commission. This shall not impair the right of either the commission or the council to propose any amendment to this chapter on their motion at any time.
- (3) Appeal.
- Any applicant or person aggrieved by the application decision shall have the right to appeal the decision pursuant to the procedures set forth in § 66-25.

(b) Proffers.

(1) Proffer of conditions; Standards for consideration.

- a. Any owner of property making application for a change in zoning or an amendment to the zoning map may, as part of the application, voluntarily proffer in writing reasonable conditions which shall apply to the subject property in addition to the regulations provided for in the zoning district sought in the rezoning application. Any such proffered conditions must be made prior to any public hearing before the council (including joint public hearings with the planning commission), be in accordance with the procedures and standards established in Virginia Code §15.2-2297, as amended, and shall be subject to the following limitations:
 - (i) The rezoning itself shall give rise to the need for the conditions;

- (ii) The conditions shall have a reasonable relation to the rezoning;
 - (iii) The conditions shall not include a cash contribution to the town;
 - (iv) The conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for as stipulated in Virginia Code §15.2-2241, as amended;
 - (v) The conditions shall not require the mandatory creation of a property owner's association which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee simple by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in Virginia Code § 15.2-2241, as amended; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by VDOT;
 - (vi) The conditions shall not include payment for or construction of off-site improvements except those provided for in Virginia Code § 15.2-2241, as amended;
 - (vii) No condition shall be proffered that is not related to the physical development or physical operation of the property;
 - (viii) All conditions shall be in accordance with the comprehensive plan; and
 - (ix) The council shall not be obligated to accept any condition proffered by the owner.
- b. Proffer declaration.
- (i) At the time a proffer is submitted to the council, it shall be accompanied by a statement signed by the applicant and the owner or their agents which states either (1) "Each proffer made in connection with this application for rezoning was made voluntarily and complies with applicable law. Each proffer is reasonably related both in nature and extent to the impacts of the proposed development. No agent of the Town has suggested or demanded a proffer that is unreasonable under applicable law." or (2) that the applicant or the owner or both disagree with the statement in (1) above and all the facts and reasons which led to that disagreement.
 - (ii) All statements, plans, profiles elevations, and other demonstrative material submitted with an application for rezoning shall be annotated with one of the following statement: "I hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."
- c. Effect of condition; Period of validity.
- (i) Upon the approval of any such rezoning, all conditions proffered and accepted by the council shall be deemed a part thereof and non-severable therefrom and shall remain in force and effect until amended or varied by council. All such conditions shall be in addition to the regulations provided for in the zoning district to which the land is rezoned.
 - (ii) Such proffered conditions shall be designated on the zoning Map by an appropriate symbol designed by the zoning administrator. In addition, the zoning administrator shall keep and maintain a special zoning index which shall provide ready access to the ordinance creating such conditions and which shall

be available for public inspection. The administrator shall update the index annually and no later than November 30 of each year.

d. Enforcement and guarantees.

(i) The zoning administrator shall be vested with all necessary authority on behalf of the town to administer and enforce conditions attached to a rezoning or amendment to a zoning map, including:

1. Ordering in writing of the remedy of any noncompliance with such conditions;
2. Bringing legal action to ensure compliance with such conditions, including injunction, abatement or other appropriate action or proceeding; and
3. Requiring a bond or other surety in an amount sufficient for or conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be released by the administrator upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part.

(x) Failure to meet all conditions shall cause the administrator to deny the issuance of any required use, occupancy, or building permits as may be appropriate.

(2) Amendments.

Any request by an applicant to amend or vary conditions that were voluntarily proffered and accepted by the council shall be reviewed and processed pursuant to Virginia Code §15.2-2302, as amended.

Section 66-24. - Enforcement.

(a) Fees, charges and expenses.

- (1) The council shall establish, by resolution, a schedule of fees, charges and expenses, and collection procedures for zoning permits, special use permits, variances, appeals, amendments, and other matters pertaining to this chapter.
- (2) The schedule of fees shall be available for inspection in the office of the zoning administrator and may be altered or amended by council by resolution. Until all application fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

(b) Violations and penalties.

(1) Authority.

As authorized by Virginia Code §15.2-2286(4), as amended, the zoning administrator or designee shall be responsible for enforcing the provisions of this ordinance.

(2) Inspection warrant.

The zoning administrator may enter upon land or inspect any structure to ensure compliance with the provisions of this ordinance, after requesting and receiving approval of the landowner to enter upon land for these purposes. If consent is not given by the landowner, the zoning administrator may enter upon land in accordance with Virginia Code §15-2.2286(A)15, as amended.

(3) Notice of violation.

a. Upon becoming aware of any violation of the provisions of this chapter, the administrator may issue written notice of such violation to the person committing

- or permitting the violations. Notice shall be mailed by registered or certified mail or hand delivered.
- b. The notice of violation shall state the nature of the violation, date that it was observed, the remedy or remedies necessary to correct the violation and a reasonable time period for the correction of the violation.
 - c. Every written notice of violation issued by the administrator shall include a statement informing the recipient of the right to appeal the notice of zoning violation or written order within 30 days as provided in this section. The decision shall be final and unappealable if not appealed within 30 days.
 - d. Appeals shall be heard by the board of zoning appeals in accordance with the procedures set forth in § 66-25.
- (4) Penalties for violation.
- a. Upon becoming aware of a violation of the provisions of this chapter, the administrator may proceed to issue a civil summons.
 - b. Any person summoned or issued a ticket for a violation may make an appearance in person or in writing by mail to the town treasurer prior to the date set for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged after first agreeing in writing to abate or remedy the violation within a specified timeframe. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgement of court.
 - c. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law.
 - d. Any such violation of this chapter shall be punishable by a civil fine as established in the fee schedule adopted by council.
 - e. The violation may be prosecuted as a criminal misdemeanor under State Code.
 - f. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate offense punishable by an additional civil fine and any other penalties as ordered by the court.

Section 66-25. - Appeals.

- (a) In general.
 - (1) In accordance with Virginia Code §15.2-2311, as amended, any person aggrieved or by any officer, department, board or bureau of the town affected by any decision of the zoning administrator or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of this chapter may appeal the decision or finding to the board of zoning appeals.
 - (2) An appeal under this section shall be made within 30 days after the decision of the zoning administrator, and shall be filed with the board, including a notice of appeal specifying the grounds thereof. The zoning administrator shall transmit to the board all information constituting the record upon which the action appealed from was taken.
 - (3) A decision or interpretation of the zoning administrator shall be presumed correct and may not be reversed or modified unless there is evidence in the record that the decision is not correct, based on the relevant procedures and review standards of this ordinance.

The board shall consider the purpose and intent of any applicable provisions of this ordinance and other relevant ordinances, laws, and regulations in making its decision.

- (4) An appeal shall stay all proceedings in furtherance of the action appealed from unless the zoning administrator certifies to the board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the board or by a court of record, on application and on notice to the zoning administrator and for good cause shown.

(b) Procedures.

The procedures for submitting an appeal shall be as follows:

(1) Mailing procedure.

Appeals shall be mailed to the board of zoning appeals in care of the zoning administrator, and a copy of the appeal shall be mailed to the secretary of the planning commission. A third copy should be mailed to the individual, official, department, or agency concerned, if any.

(2) Hearing.

The board shall fix a reasonable time for the hearing of an appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within 90 days of the filing of the appeal.

(3) Decisions.

- a. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. In any appeal, if a board's attempt to reach a decision results in a tie vote, the matter may be carried over until the next scheduled meeting at the request of the person filing the appeal.
- b. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records.
- c. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses

(c) Construction in violation of ordinance.

- (1) Construction of a building with a valid building permit deemed in violation of this ordinance may be prevented, restrained, corrected or abated by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit.

- (2) The court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the administrative officer to the board of zoning Appeals

(d) Appeals of a board of zoning appeals decision.

- (1) Any person jointly or severally aggrieved by any decision of the board, or any taxpayer or any officer, department, board, or bureau of the town may appeal the decision to the circuit court.
 - a. A petition specifying the grounds on which aggrieved must be submitted 30 days after the filing of the decision in the office of the board.

- b. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.
- c. The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.
- d. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- e. Costs shall not be allowed against the board, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. If the decision of the board is affirmed and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

Sections 66-26 – 66-29. Reserved.

Article III. ZONING DISTRICTS.

Section 66-30. - In general.

(a) Districts established.

For the purposes of this chapter, the area within the incorporated Town, as it exists at the time of the enactment of this chapter, is hereby divided into classes of districts, which are established as follows:

A-1	Agriculture District
R-1	Low-Density Residential District
R-2	Medium-Density Residential District
R-3	High-Density Residential District
B-1	Central Business District
B-2	Highway Business District
B-3	Shopping Center District
I-1	Limited Industry District
I-2	General Industry District
TND-C	Traditional Neighborhood Development – Commercial District

(b) Zoning map.

- (1) The locations and boundaries of districts established in the Town shall be shown on a map titled "Zoning Map, Town of Mount Jackson, Virginia." The same map may be amended subsequent to the adoption thereof. The zoning map, as well as all notations, dimensions, designations, references, and other data shown thereon, is made a part of these regulations to the same extent as if the information set forth on such map were fully described and incorporated herein. A certified official copy of the zoning map, with all map amendments indicated thereon, shall be on file in the office of the zoning administrator.
- (2) The preparation and adoption of the zoning map and any amendments thereto, shall follow the standards set forth in Virginia Code §15.2-2285, as amended.

(c) Determination of uncertain boundaries.

(1) Interpretation.

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the districts as shown on the official zoning map, the following rules shall apply:

- (i) Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys, railroad rights-of-way, existing lot lines or municipal boundary lines, such centerlines or lines at right angles to such centerlines shall be construed to be such boundaries, as the case may be.
- (ii) Where a district boundary is indicated to follow a river, creek, branch, or other body of water, such boundary shall be construed to follow the centerline at low water or at the limits of the jurisdiction, and in the event of change in the

shoreline, such boundary shall be construed as moving with the actual shoreline.

- (iii) Where a district boundary line does not follow such a line, its position may be shown on the official zoning map by a specific dimension expressing its distance in feet from a street right-of-way line or other boundary line as indicated and running parallel to such line
- (iv) If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and the foregoing provisions of this section do not apply, the line shall be determined by the use of the scale shown on such zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals, which shall determine the boundary.

(2) Disputes.

In disputes over the exact location of district boundaries as shown on the official zoning map, the zoning administrator shall refer the matter to the board of zoning appeals, which shall determine the boundary.

(d) Conformance with chapter.

No building or structure shall be erected, and no existing building shall be moved, altered, added to or enlarged, nor shall any land, building or structure be used, occupied, designed or arranged to be used for any purpose or in any manner not in conformance with the regulations of this chapter.

(e) In areas designated as floodplain.

Full compliance with the provisions of the floodplain ordinance of this code is required in those areas defined as floodplains.

(f) Uses not specifically listed prohibited.

For the purposes of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists or other regulations of this chapter, uses not specifically listed are prohibited.

(g) Site plan required.

Before a zoning permit shall be issued or construction begun on any permitted use in a commercial district, or a permit issued for a new use, detailed site plans indicating compliance with the substantive provisions of this chapter and in sufficient detail to show the operations and processes shall be submitted to the zoning administrator for study. The administrator shall refer these plans to the departments and agencies for their recommendation and approval. Modification of the plans may be required.

Section 66-31. - Statement of intent.

(a) A-1, AGRICULTURE DISTRICT.

Statement of Intent. The A-1, Agriculture District, is intended to preserve the character of those portions of the Town where agricultural and other low-intensity uses predominate. The permitted uses should include mainly agriculture and related uses.

(b) R-1, LOW-DENSITY RESIDENTIAL.

Statement of Intent. The R-1, Low-Density Residential District, is composed of quiet, low-density residential areas plus undeveloped areas where similar residential construction appears likely to occur. This district should provide a suitable environment for individuals and families who desire quiet spacious homesites with the amenities of suburban living, without fear of encroachment of dissimilar uses. Any development shall be designed to prevent substantial negative impact on the use and value of existing surrounding uses, and shall not hinder, deter, or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

(c) R-2, MEDIUM-DENSITY RESIDENTIAL DISTRICT.

Statement of Intent. The R-2, Medium-Density Residential District, is composed of medium-density residential uses and open areas, both existing and planned, as well as certain compatible public and semipublic land uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated and to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for medium-density residential neighborhoods with a mix of housing types and located in closer proximity to shopping and employment. Any development shall be designed to prevent substantial negative impact on the use and value of existing surrounding uses, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

(d) R-3, HIGH-DENSITY RESIDENTIAL DISTRICT.

Statement of Intent. The R-3, High-Density Residential District, is composed of high-density residential uses and open areas, both existing and planned, as well as certain compatible public, semipublic, and very limited commercial land uses. The standards for this district are designed to stabilize and protect the essential character of the area so designated, to create areas for multifamily and townhouse construction along with appropriate family living environments that provide suitable amenities and the convenience of being closest to shopping, employment and other community facilities. Any development shall be designed to prevent substantial negative impact on the use and value of existing surrounding uses, and shall not hinder, deter or impede development of surrounding undeveloped properties in accordance with the adopted comprehensive plan.

(e) B-1, CENTRAL BUSINESS DISTRICT.

Statement of intent. The B-1, Central Business District, is composed of mix of residences, and general business and retail to which the public requires direct and frequent access, but which is not characterized either by constant heavy trucking other than stocking and delivery of light retail goods. It is the intent of the B-1 district to remain a viable mixed-use core that promotes and enhances the historic character, historic landmarks and the original Old Mount Jackson Commercial District while fostering a streetscape that is oriented to pedestrian use of the sidewalks for shopping and interactions within the community. Further, the purpose of this district is to promote and enhance future development which is compatible with the character and heritage as symbolized by the excellence in design and old architecture of the Town while blending private with public and commercial with residential.

(f) B-2, HIGHWAY BUSINESS DISTRICT.

Statement of intent. The B-2, Highway Business District, is intended to accommodate general business areas, highway-oriented commercial uses, wholesaling operations, fast food establishments and similar uses that generate a great volume of traffic and by nature or space requirements do not lend themselves to being within a centralized shopping area. This district recognizes the demand for a variety of commercial land uses but shall provide connectivity for both pedestrian and vehicular activity and building design that visually contributes to the economic success of the corridor and the community.

(g) B-3, SHOPPING CENTER DISTRICT.

Statement of Intent. The purpose of the B-3, Shopping Center District, is to provide for traditional shopping centers with significant concentrations of related commercial establishments with one or more anchor tenants, shared parking, consistent architectural and site design treatment that fits with the surround community, and unified or coordinated management. Commercial land uses should be organized in clusters rather than as freestanding activities, be of limited size, located at easily accessible road intersections, and designed to be compatible with the surrounding residential uses and to match the historic "Main Street" character of the Town. Strip commercial development is prohibited.

(h) I-1, LIMITED INDUSTRIAL DISTRICT.

Statement of Intent. The purpose of the I-1, Limited Industrial District, is to permit certain industries which have minimal environmental impacts and do not detract from adjacent uses. Limitations (or provisions) such as height of building, building coverage and landscaping are imposed to protect the public's health, safety and welfare, and foster adjacent uses. The I-1 district is intended to provide appropriate locations for fabrication, processing, packaging, distribution, storage, shipping, and other transportation activities contributing to the economic base of the Town and enhance employment opportunities.

(i) I-2, GENERAL INDUSTRIAL DISTRICT.

Statement of Intent. The purpose of the I-2, General Industrial District, is to provide areas for medium and heavy commercial and industrial uses, which are not compatible with residential, institutional, and general commercial uses. The I-2 district is intended to provide a location for uses that may require outdoor storage and due to their intensity shall be further from high-density residential and downtown historic areas.

(j) TND-C, TRADITIONAL NEIGHBORHOOD DEVELOPMENT – COMMERCIAL DISTRICT.

Statement of Intent. The purpose of the TND-C, Traditional Neighborhood Development – Commercial District, is to allow a variety of uses that create a unified livable community. The TND-C district is intended to develop contiguous to an existing development or as redevelopment or infill development that has a compact design with a mix of housing types, commercial uses, and recreational areas, that are all interconnected with access that facilitates walking, bicycling, transit, and driving. Developments shall be designed with the influence of the historic and architectural character of the community and the environmental features of the site. Further, it is the intent of the district to be designed to the human scale with neighborhood connectivity. Consideration should be given to height of buildings, mixture of homes to accommodate various incomes, neighborhood parks,

recreational areas, greens, walking distances, multiple routes, narrow streets, and traffic calming techniques.

Section 66-32. - Dimensional standards.

- (a) Dimensional standards for base zoning districts. Dimensional standards within each zoning district shall apply as provided in Table 1, except as otherwise provided in this section

Table 1: Dimensional Standards for Base Zoning Districts

Zoning District	Minimum Lot Size			Minimum Yard Size			Maximum Building Height
	Area	Width	Coverage	Front	Side	Rear	
(A-1) Agriculture	60,000 SF	200 ft.	10%	50 ft.	40 ft.	60 ft.	35 ft.
(R-1) Low-Density Residential	12,000 SF	100 ft.	30%	35 ft.	15 ft.	20 ft.	35 ft.
(R-2) Medium-Density Residential	10,000 SF	70 ft.	30%	30 ft.	10 ft.	20 ft.	35 ft.
(R-3) High-Density Residential	8,000 SF*	70 ft.	60%	25 ft.	10 ft.	20 ft.	45 ft.
(B-1) Central Business	6,000 SF	None	None	None	None	None	45 ft.
(B-2) Highway Business	10,000 SF	75 ft.	None	20 ft.	15 ft.	20 ft.	45 ft.
(B-3) Shopping Center	None	None	60%	20 ft.	25 ft.	40 ft.	45 ft.
(I-1) Limited Industrial	10 AC when adjoining an industrial district; all others 20 AC	150 ft.	70%	50 ft.	50 ft. from any R or A district; all others 25 ft.	50 ft. from any R or A district; all others 25 ft.	45 ft.
(I-2) General Industrial	10 AC when adjoining an industrial district; all others 20 AC	150 ft.	70%	50 ft.	50 ft. from any R or A district; all others 25 ft.	50 ft. from any R or A district; all others 25 ft.	60 ft.
(TND-C) Traditional Neighborhood	See Table 2						

Development- Commercial		
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*3,000 square ft. required for each unit above two units

(b) Corner Lots.

(1) Residential districts (R-1, R-2, and R-3) require:

- a. The minimum side yard on the side facing the side street shall be 25 feet.
- b. Each corner lot shall have a minimum width at the setback line of 100 feet. Except that for two-family dwellings or duplexes in side-by-side configuration, the minimum lot width at the setback line shall be 70 feet for each unit.

(2) In the B-2 district, the setback shall be no more than 25 feet from any street right-of-way and no greater than 80 percent of the average setback of existing adjacent buildings from any street right-of-way.

(c) Townhouse and multifamily developments.

(1) For each dwelling unit in a townhouse development there shall be a minimum lot width of:

- a. 20 feet for interior lots;
- b. 30 feet for end lots; and
- c. 40 feet for corner lots.

(2) The minimum lot area per townhouse dwelling unit shall be 2,400 square feet of lot area.

(3) For multifamily developments of more than one building, the front, side and rear yard requirements for this section shall apply along the boundary lines of the project. The minimum distances between the principal buildings within the project area shall be as follows:

- a. Where buildings are front to front, or front to rear, two times the height of the taller building, but not less than 70 feet;
- b. Where buildings are side to side, one times the height of the taller building, but not less than 20 feet; and,
- c. Where buildings are front to side, or rear to rear, 1½ times the height of the taller building but not less than 55 feet; provided that where roadways are located between said buildings, the width of such roadway shall be in addition to the 20-foot minimum distance between buildings.

(d) Zero-lot-line development. For any zero-lot line condition, the following additional standards and limitations shall apply:

(1) Front loaded garage structures are limited in width to no greater than 35 percent of the lot width, and no greater than 14 feet. Garage doors are limited to no greater than nine feet in width.

(2) Any driveway or parking area located in front of the dwelling must be paved with an asphalt or concrete surface.

(3) Any driveway or parking area located in the front yard shall cover no more than 35 percent of the front yard area.

(4) A maintenance easement must be established for every lot in a zero-lot-line development. The easement shall require that the side of each building along the lot line be properly maintained to ensure public health and safety, and that a five-foot wide area along each such lot line be reserved for access and use by the building owner in order to carry out such building maintenance. The easement is subject to written

approval by the zoning administrator and must be recorded in the clerk's office prior to receiving a certificate of occupancy, and a copy of the recorded easement must be provided to the administrator.

- (e) Height modifications.
 - (1) In the A-1 district, farm use buildings and structures in excess of the maximum height permitted in Table 1 may be allowed by special use permit.
 - (2) Height in the I-1 and I-2 district.
 - a. Parapet walls are permitted up to four feet above the limited height of the building on which the walls rest.
 - b. Buildings and structures in excess of the maximum height permitted in Table 1 may be allowed by special use permit.

- (f) Setback encroachment.
 - (1) Except as provided herein, any physical element that is attached to a principal structure must meet the minimum setback standards of the district.
 - (2) The following structures shall be permitted to encroach into any yard, including front yards, provided applicable sight distance and fire safety requirements are met and maintained, and provided the following requirements are met:
 - a. Fences pursuant to § 66-42.
 - b. Ground level terraces, patios or decks not over 30 inches high which do not include a permanently roofed-over terrace or porch.
 - c. Awnings or canopies provided they do not project more than eight feet from the existing building face.
 - d. Bay windows and overhanging eaves or gutters projecting no more than three feet into the yard.
 - e. Arbors and trellises not exceeding ten feet in height, provided that such structures do not reduce the width of the yard to less than three feet.
 - f. Flagpoles not to exceed 25 feet in height.
 - g. Recreational equipment, as defined herein, provided that such equipment does not reduce the width of the yard to less than ten feet.
 - (3) For any yard, except front yards, the following structures shall be permitted, provided applicable sight distance and fire safety requirements are met and maintained:
 - a. Clotheslines.
 - b. Balconies shall not project into a required yard.
 - c. Heating, ventilation and air conditioning (HVAC) units shall not be closer than ten feet to any lot line.
 - d. Decks exceeding 30 inches in height may be permitted in rear yards provided that they are no closer than 20 feet to a property line.
 - e. In conjunction with single-family dwellings in residential, B-1, or planned districts, small accessory structures, such as sheds, pet houses and pens, provided that such structures:
 - (i) Are not in excess of 150 square feet in floor area.
 - (ii) Not in excess of 12 feet in height.
 - (iii) Not within five feet of a rear or side property line.
 - (iv) At least 50 feet from any street right-of-way or private access easement at the front of the lot.

Section 66-33. - Traditional neighborhood development – commercial district.

(a) Applicability.

- (1) The TND-C district is an alternative set of standards for development within the Town for new development of between 15 and 200 acres, either contiguous to existing development, a redevelopment, or an infill development of ten acres or more. It includes compact development; multiple residential, civic and commercial uses; a community recreation center; a neighborhood center; active open space for active recreation shared by the community; and has the TND-C district covenants recorded against all lots.
- (2) The process to create a TND-C district consists of two parts done simultaneously: rezoning the property to the TND-C district and approval of a master development plan, subject to provisions of this code, by the Town Council. No development activity, including land clearing, may proceed until there has been final approval of the master development plan.

(b) Development standards.

- (1) Dimensional standards within the TND-C shall apply as provided in Table 2. When mixed uses (residence and commercial) are in one building, the lot standards and yard sizes for commercial uses shall apply.

Table 2: Development Standards for TND-C Districts

Use Type	Land Area Ratio	Lot Standards					Density	Minimum Yard Size			Height
		Min. Lot Area	Min. Lot Width	Max. Lot Width	Min. Lot Length	Coverage	Units / Acre	Front	Side	Rear	
Residential (excluding residential over commercial)											
Single-family detached	≥20% of district shall be devoted to residential uses; no more than 70% of residential units shall be of the same use type	6,000 SF	50 ft.	400 ft.	100 ft.	70%	4-10	0	5 ft.	20 ft.	Max. 35 ft.
Multifamily		n/a	75 ft.	250 ft. if the building footprint extends at least 200 LF	100 ft.	70%	15-40	0	None	20 ft.	Max. 45 ft.
Townhouse		2,400 SF	Interior lots: 20 ft.; End lots: 30 ft.; Corner lots: 40 ft.	n/a	100 ft.	70%	Max. 10	0—25	5 ft. for corner and end lots	<20	Max. 35 ft.

Use Type	Land Area Ratio	Lot Standards					Density	Minimum Yard Size			Height
		Min. Lot Area	Min. Lot Width	Max. Lot Width	Min. Lot Length	Coverage	Units / Acre	Front	Side	Rear	
Two-family			75 ft. ²	n/a	100 ft.	70%	Max. 5	0—25	5 ft.	<20	Max. 35 ft.
Commercial and Recreation											
Commercial	≥10% of district shall be devoted to commercial uses	n/a	n/a	n/a	n/a	Floor space = Max. 20,000 ²	n/a	None	None	None	Max. 45 ft.; Min. 20 ft.
Civic use	≥3% of district shall be devoted to civic uses	n/a	n/a	n/a	n/a	n/a	n/a	None	None	35; none when served by rear alley	Max. 45 ft.
Open space	≥20% of district shall be devoted to open space	10,000 SF	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

(2) Uses shall be permitted as established in § 66-34, subject to the community design standards pursuant to § 66-40 thru § 66-46 and the requirements of this section.

(3) Lot and block standards.

- a. Lot and block standards shall be pursuant to chapter 50. §§ 50-123 and 50-124 shall not apply to a TND-C district.
- b. Lot and block design. Lot and block design should promote development that is compatible with natural features, minimizes pedestrian and vehicular conflict, promotes street life and activity, reinforces public spaces, promotes public safety, and visually enhances development and should allow for passive solar designs.
- c. Block and lot size diversity. The average perimeter of all blocks within the TND-C district should not exceed 1,600 feet. No block shall have a length greater than 500 feet without a dedicated alley or pathway providing through access. A variety of lot sizes should be provided to facilitate housing diversity and choice and meet the projected requirements of people with different housing needs.
- d. Setbacks and yards.
 - (i) Corner lots. The side yard on the side facing the side street width shall be at least ten feet or more for both main and accessory buildings.
 - (ii) Setbacks. All building setbacks shall be designed so as to achieve the purpose and intent of the district to create streets that are framed by buildings and thus comfortable for pedestrians.

- (iii) Mixed use commercial area. Commercial and civic or institutional buildings shall abut the sidewalks in the mixed-use area.
 - (iv) Residential buildings shall be set back a minimum of 50 feet from any agricultural parcels outside the TND-C that are zoned and primarily utilized for agricultural activities.
- (4) Residential development standards.
- a. TND-C districts shall incorporate a minimum of three separate categories of residential uses.
 - b. No more than 70 percent of the residential units shall be of the same category (i.e., single-family attached or detached, apartments, duplexes, townhouses).
 - c. Generally, high-density housing types shall be located closest to the neighborhood center.
 - d. All dwelling units constructed above commercial uses shall be permissible in addition to the number of dwelling units authorized under this section. However, the total number of dwelling units shall not be increased by more than ten dwelling units or ten percent, whichever is greater.
 - e. In an age-restricted development where ages are restricted by covenant to either 55 and above or 62 and above, development shall comply with the Housing for Older Persons Act of 1995, as amended, and a minimum of 50 percent of the residential units shall be either one story or made accessible by elevator.
 - f. Not more than 50 percent of the total approved dwellings may be occupied prior to construction completion of at least 50 percent of the approved commercial component of the TND-C district.
 - g. Not more than 10 percent of the total approved dwellings may be occupied prior to the completion of the required open space component of the TND-C district.
- (5) Recreation and open space standards.
- a. Each TND-C district shall provide open space, squares, and parks for the benefit of the community.
 - b. A minimum of 25 percent of the required open space shall be active open space.
 - c. Ninety percent of the residential lots shall be within one third of a mile from active open space.
 - d. Parks, greens and squares shall be bordered or fronted by streets, sidewalks, front building facades or other such features that provide visual definition of the open space so that it appears and functions as a part of the neighborhood, and not separate from it.
- (6) Accessory buildings.
- Accessory buildings should not be closer than ten feet to rear lot line and shall not be permitted in front or side yards.
- (7) Landscaping, screening and buffering.
- a. Landscaping, screening and buffering shall be provided pursuant to §§ 50-87 and 66-43.
 - b. Refuse collection for commercial uses shall be located no closer than 100 feet from any residential use excepting overhead occupancy in any commercial building and screened pursuant to § 66-43.
 - c. A 20-foot landscaped easement, measured from the adjoining property line, shall be provided whenever a TND-C district abuts an agriculture or residential district. This area shall contain a single row of evergreen trees on ten-foot centers that are a

minimum of six feet high at the time of planting. However, such area may be reduced if the adjoining agriculture or residential property owner agrees to such a reduction as evidenced by the recording of an agreement between the property owners.

(8) Circulation.

- a. The traffic circulation system shall allow for different modes of transportation. The circulation system shall provide functional and visual links within the residential areas, mixed-use area and open space areas and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle, control through traffic, limit lot access to streets of lower traffic volumes, and promote safe and efficient mobility through the district.
- b. Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the TND-C. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced.
- c. Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other nonmotorized users) and separate, striped bicycle lanes on streets.
- d. Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lighted.

(9) Streets and alleys.

- a. Streets and alleys shall be provided pursuant to chapter 50.
- b. Local streets may terminate where there is a connection to a pedestrian or bicycle path network.
- c. Street construction shall be permanently constructed to current standards of and accepted for maintenance by VDOT.
- d. The orientation of streets shall enhance the visual impact of common open space and prominent buildings creating lots that facilitate passive solar design and minimize street gradients.
- e. Alleys shall have adjacent grassy swales runoff wherever a side does not abut a developed area. Minimum standards are found at www.dcr.virginia.gov/soil and [water/documents/Chapter 3.13.pdf](http://www.dcr.virginia.gov/water/documents/Chapter%203.13.pdf) or their successor regulations.
- f. Alley easements shall be owned, controlled, and maintained by a property owners' association (POA) or similar association or owned by individual property owners with control and maintenance by a POA or other association. The town shall be granted emergency ingress and egress to alleys but shall have no maintenance or ownership responsibilities.

(10) Paving and driveways.

- a. Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.
- b. Driveways shall have at least three feet of unpaved surface between them when building multifamily and townhouse units with individual driveways or zero lot lines.

(11) Parking.

- a. Off-street parking shall conform to § 66-45.
- b. Parking shall be located at the rear or side of a building. A ten percent maximum front load exception may be allowed by council in cases where topography can be proven to prohibit rear or side parking, and said exception does not affect the integrity of the TND-C.
- c. Parking areas for shared or community use should be encouraged.
- d. A parking lot or garage may not be adjacent to or opposite a street intersection.
- e. For commercial and multifamily residential uses, parking lots or garages shall provide not less than one bicycle parking space for every ten motor vehicle parking spaces.

(12) Stormwater management.

- a. The design and development of the TND-C should minimize off-site stormwater runoff, promote on-site filtration and minimize the discharge of pollutants to groundwater and surface water.
- b. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable.

(13) Design standards.

- a. Entries and facades.
 - (i) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street.
 - (ii) The front facade of the principal building on any lot shall face onto a public street.
 - (iii) The front facade shall not be oriented to face directly toward a parking lot.
 - (iv) Porches, pent roofs, roof overhangs, hooded front doors or other similar architectural elements shall define the front entrance to all residences.
 - (v) For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - (vi) New structures on opposite sides of the same street shall follow similar design guidelines.
 - (vii) Awnings shall be made of fabric, wood or metal; high-gloss or plasticized fabrics are prohibited.
- b. Fences. Fencing shall be of a consistent design throughout the district.

(c) Property owners' association (POA).

- (1) Establishment. Development of a TND-C district shall require establishment of a Property Owners Association Act, which shall comply with the Virginia Property Owners' Association Act. The subdivider shall file legal documents that establish procedures for the establishment of a nonprofit property owners' association prior to the sale of any lot in an approved residential or commercial use. These legal documents shall be submitted to the Town for review and approval prior to the final subdivision plats. These documents shall include but not be limited to provisions for common properties, declarations of covenants, conditions and restrictions, articles of incorporation, bylaws, maintenance and upkeep of the alleys, common areas, and landscaping, and deed clauses for common areas. Conditions, covenants, and restrictions shall be established

and recorded in the land records office of the circuit clerk's office for a TND-C before building may commence.

- (2) Responsibility of Subdivider. The subdivider shall be responsible for the management and maintenance of all private common areas, easements and improvements in the approved subdivision until the improvements are taken over by a POA. The subdivider shall exercise all powers and duties of a POA, including assessment and collection of charges.
 - (3) Transfer. All private common areas, easements and improvements shall be in good operating order and condition and in compliance with applicable laws, codes and regulations at the time of transfer to a POA. The subdivider shall notify the Town in writing when the transfer of control to a POA occurs.
 - (4) Maintenance. All private common areas, easements, and stormwater management facilities shall be owned and continuously maintained by the POA such that the use, function and appearance is in conformance to the provisions of this code or other applicable governing body. The town, or other applicable governing body, shall have the right to inspect any common area, easement, stormwater management facility or dedicated facility to ensure that the requirements of this code are complied with. If the maintenance of common areas, easements, stormwater management facilities, or dedicated facilities is neglected or becomes a danger to public health or safety, the locality with appropriate authority shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owners.
- (d) Application and review.
- (1) Establishment of a TND-C district shall be pursuant to the rezoning procedure established in Article II.
 - (2) In addition to the rezoning application requirements listed in §66-22, the following application requirements shall apply:
 - a. A master development plan identifying:
 - (i) Location of commercial, residential, and civic uses.
 - (ii) The neighborhood center.
 - (iii) The transitional areas between the neighborhood center area and predominantly residential edge areas.
 - (iv) The neighborhood edge areas.
 - (v) Proposed open space, specifically designating areas for passive and active use.
 - (vi) Ownership, maintenance, and control responsibility of private alleys and open space.
 - b. A tabulation of the proposed program of development by general area and in total providing:
 - (i) Proposed dwelling units by residential type.
 - (ii) Proposed nonresidential square footages by use type.
 - (iii) Calculations of percentages of land area covered by the various land uses to show compliance
 - c. A set of written and illustrated design guidelines that shall include dimensional and qualitative specifications for the following:
 - (i) Building height, setback and bulk standards by land use type and general area outlined in subsection (b)(1)b of this section.

- (ii) Illustrations of proposed TND-C blocks showing potential mixes of uses and illustrative building, parking and alley layouts (examples of the type of illustrations required are retained by the town manager).
 - (iii) Descriptions and illustrations of screening/buffering/transitions to be provided between residential and commercial/service uses.
 - (iv) Standards for the landscaping and lighting of streets and off-street parking and loading areas and for screening of views of off-street parking and loading areas from public streets.
 - (v) Architectural guidelines for all building types; such guidelines need not set specific floor plans or elevations, but shall describe in general the style and materials of buildings.
 - (vi) A written description of how the proposed plan and design guidelines for the TND-C district meet the objectives outlined in this section.
 - (vii) A statement regarding the timing of construction of common or public facilities.
 - (viii) A general statement as to how parks, squares, common open spaces and common facilities are to be owned and maintained, and in particular which are to be public and dedicated to the Town and which are to be private and maintained by a property owners' association.
 - (ix) Detailed drawings of residential types, commercial types, the community recreation center, and the neighborhood (core) center which will precisely be used in the project.
 - (x) Existing covenants on the property.
 - (xi) POA documents.
 - (xii) Verification that deeds clearly and boldly state the ownership, maintenance and control responsibility of the alleys belong to the POA.
- (e) Modifications. A proposed development may vary from the guidelines outlined in this section, except for uses established under § 66-34, subject to approval of a rezoning. Any waiver from the standards and guidelines shall be specifically acknowledged by means of a proffer or conditions.
- (1) A request for waiver must specifically clearly outline the requested waiver(s) and justify the need or benefit to the public and community should the waiver be granted.
 - (2) Modifications to single-family attached/detached lot sizes will only be approved if the town believes the exceptions enhance the TND-C project. Those exceptions may affect up to 20 percent of the lot sizes and would allow for a 5,000 square feet minimum lot size.
 - (3) Modifications to maximum floor area requirements for commercial uses may be waived by the town upon determination that a larger building as designed will not dominate the neighborhood or its streetscape.

Section 66-34. - Use matrix.

- (a) Zoning use matrix. Permitted uses shall be permitted in accordance with Table 3. Table 3 provides all use types and all zoning districts where the use type is permitted ("B") or permitted with approval of a special use permit ("S") in accordance with the requirements of Article II. Additional standards for specific uses shall apply as provided in § 66-40.

Table 3: Zoning Use Matrix

Use Types	A-1, Agriculture	R-1, Low Density Residential	R-2, Medium Density Residential	R-3, High Density Residential	B-1, Central Business	B-2, Highway Business	B-3, Shopping Center	I-1, Limited Industrial	I-2, General Industrial	TND-C, Traditional Neighborhood Dev. - Commercial
B: By-right S: Special Use Permit										
Agricultural										
Agricultural operations	B									
Agriculture, intensive*	S									
Conservation	B									B
Game preserves, wildlife sanctuaries	S									
Noncommercial fairgrounds	S									
Roadside stands or markets	B									
Residential										
Dwelling, Multifamily*				B	S					B
Dwelling, single-family detached*	B	B	B	B						B
Dwelling, townhouse*			B	B	S					B
Dwelling, two-family*			B	B	S					B
Dwelling, manufactured	B									
Family health care structure, temporary	B	B	B	B						B
Group home	B	B	B	B						B
Mixed use structure					B	B	S			B
Recreation facility, private		B	B	B						B
Civic										
Cemetery*	S	S	S	S	S					
Civic uses	S	S	S	S	B	B	B			S
Club	S	S	S	S	B	S				S
Educational facilities, primary and secondary		S	S	S						S
Public maintenance & service facility*	B							B	B	

Table 3: Zoning Use Matrix

Use Types	A-1, Agriculture	R-1, Low Density Residential	R-2, Medium Density Residential	R-3, High Density Residential	B-1, Central Business	B-2, Highway Business	B-3, Shopping Center	I-1, Limited Industrial	I-2, General Industrial	TND-C, Traditional Neighborhood Dev. - Commercial
Refuse collection site	S							S	S	
Religious assembly	S	S	S	S	B	B	B			S
Shelter				S	S	S	S			
Commercial										
Adult businesses*						S				
Automobile repair and service*						S		B	B	
Automobile rental/leasing						S		B	B	
Automobile sales						S		B		
Aviation facility	S									
Bed and breakfast establishments*	S		S	S	B	S				
Brewery or distillery								B	B	S
Business support services					B	B	B	B		S
Business or trade school					S	S	S	B		S
Camps & campgrounds*						S				
Carwashes*						S	S			
Catering facility					B	B	B	B		
Commercial indoor amusement					B	B	B			
Commercial indoor entertainment					B	B	B			
Commercial sports and recreation						B	B			S
Commercial vehicle repair service								S	B	
Construction sales and services*						S		B	B	
Consumer repair service					B	B	B	B	B	B
Contractor service						B		B	B	

Table 3: Zoning Use Matrix

Use Types	A-1, Agriculture	R-1, Low Density Residential	R-2, Medium Density Residential	R-3, High Density Residential	B-1, Central Business	B-2, Highway Business	B-3, Shopping Center	I-1, Limited Industrial	I-2, General Industrial	TND-C, Traditional Neighborhood Dev. - Commercial
Convenience store*						S	S			S
Craft-brewery	B				B	B	B			B
Craft-distillery	B				B	B	B			B
Custom manufacturing								B	B	
Day care center*		S	S	S	S	S				S
Elder care facility	S	S	S	S	B	B				S
Equipment sales and rental						S		B	B	
Family home day care	S	S	S	S						S
Farmer's market					S	S				S
Financial institutions					B	B	S			B
Funeral parlor or homes and undertaking establishments*					B	B				
Garden center	S					B	S			
Greenhouse, commercial	S					S				
Home occupation class A*	B	B	B	B						B
Home occupation class B*	S	S								
Hospitals					B	B				S
Hotels*					S	B				B
Kennels	S							S		
Medical office/clinic					B	B	B	B		B
Mini-warehouse						S		B	B	
Manufactured home sales						S				

Table 3: Zoning Use Matrix

Use Types	A-1, Agriculture	R-1, Low Density Residential	R-2, Medium Density Residential	R-3, High Density Residential	B-1, Central Business	B-2, Highway Business	B-3, Shopping Center	I-1, Limited Industrial	I-2, General Industrial	TND-C, Traditional Neighborhood Dev. - Commercial
Office, general	S				B	B	B	B		B
Personal improvement services					B	B	B			B
Personal services					B	B	B			B
Restaurant, drive in						B	S			
Restaurant, general					B	B	B			B
Restaurant, mobile*					B	B	B			
Short term rental*	B	B	B	B	B					
Specialty shop					B	B	B			B
Store, general					B	B	B			B
Store, neighborhood commercial	S	S	S		B	B	B			B
Store, grocery*					B	B	B			B
Store, liquor*					B	B	B			B
Store, specialty food					B	B	B			B
Tattoo parlors and body piercing salons						S				
Truck weighing station						S				
Veterinary hospitals	B				B	B	B	B		B
Wholesale sales*						B		B		
Winery	S				B	B		B		B
Industrial										
Bulk fuel storage and distribution	S					S			S	
Industry, heavy									S	
Industry, light								B	B	
Industry, medium									B	
Laboratories					S	S		B	B	

Table 3: Zoning Use Matrix

Use Types	A-1, Agriculture	R-1, Low Density Residential	R-2, Medium Density Residential	R-3, High Density Residential	B-1, Central Business	B-2, Highway Business	B-3, Shopping Center	I-1, Limited Industrial	I-2, General Industrial	TND-C, Traditional Neighborhood Dev. - Commercial
Laundry, commercial								B	B	
Outdoor storage								S	B	
Recycling center								S		
Research and development					S	B		B	B	
Solar energy, small scale*	B	B	B		S	S	S	B	B	
Solar energy, medium scale*	S		S		S	S	S	B	B	
Solar energy, utility scale*	S									
Warehousing and distribution								B	B	
Miscellaneous										
Amateur radio tower	B	B	B					B	B	B
Broadcasting or communication tower*	S							S		
Modular buildings on permanent foundations	B									
Utility service, major*	S								S	
Utility service, minor*	B	B	B	B	B	B	B	B	B	

* denotes that additional standards apply see §66-40 for specific standards.

Sections 66-35 – 66-39. Reserved.

Article IV. COMMUNITY DESIGN AND STANDARDS

Section 66-40. - Standards for specific uses.

- (a) Purpose and intent.
The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses and are not intended to exclude other provisions of this ordinance that may apply.
- (b) Agricultural uses.
 - (1) Agricultural, intensive.
 - a. Setback 100 feet from any public road.
 - b. Setback 400 feet from any residence not located on the same parcel, religious assemblies, public or private schools, and other public-owned facilities.
 - c. Submit an approved nutrient management plan and comply with all federal and state permits required for the specific use.
- (c) Residential uses.
 - (1) Accessory structures.
 - a. Total lot coverage for accessory structures and the principal structure shall not exceed the coverage requirements pursuant to Table 1.
 - b. No single accessory structure may have a lot coverage that is greater than 50% of the principal structure.
 - c. Shall be placed in the side or rear yards and must meet a minimum setback of 5 feet.
 - (2) Dish Antennas.
 - a. Dish antennas allowed in the B-1 district larger than 24 inches in diameter shall be permitted in rear yards only. No part of a dish antenna shall be closer than five feet to any lot line. Dish antennas larger than 24 inches in diameter shall not be permitted on the roofs of structures or accessory structures.
 - b. The dimensional and location standards set forth in subsection (b) of this section notwithstanding, where the Zoning Administrator determines that a usable satellite signal cannot be obtained by locating or sizing a dish antenna in accordance with such criteria, application for a special use permit may be made to the Planning Commission for review and recommendation to Town Council for authorization of an alternative placement or size in order to provide for the reception of a usable signal. In its consideration of such applications, Council may impose such conditions as it deems necessary to protect the public health, safety and general welfare and to protect the character of the surrounding properties.
 - (3) Dwelling, accessory.
 - a. Only one accessory dwelling is permitted per parcel.
 - b. A recreational vehicle may not be used as an accessory dwelling.
 - c. An accessory dwelling shall comply with all applicable requirements of the Virginia Department of Health and the Virginia Uniform Statewide Building Code.
 - d. No signage advertising or promoting the existence of the structure shall be permitted on the exterior of the structure or anywhere on the property.
 - (4) Dwelling, multifamily.

- a. When a structure is converted into three dwelling units, a minimum of 600 square feet of usable open space shall be provided. Thereafter, an additional 600 square feet of usable open space shall be provided for each additional dwelling unit created during the conversion of the structure. Such space shall be exclusive of areas devoted to streets, alleys and parking.
- b. Facades, roofs and treatment of external materials shall be submitted as a condition of site plan approval. Not more than two abutting dwelling units and not more than one third of any abutting series of dwelling units shall have the same architectural design or treatment of materials.
- c. Accessory buildings and private parking areas shall not be permitted except that on any one lot there may be maintained one accessory structure not exceeding seven feet in height nor covering more than 64 square feet in area.
- d. Architectural treatment shall avoid massive, monolithic and repetitive building types, facades and setbacks, and shall be compatible with surrounding areas. Building elevations and architectural details sufficient to show compliance with the standard shall be submitted for approval.
- e. Public water and sewer are required for multifamily developments.
- f. For each multifamily development not less than 25 percent of the gross area shall be in open space. This area shall exclude vehicular areas such as streets, roads, travel ways, and parking lots. Open space may encompass common and noncommon open space, active and passive recreational areas, transitional yards, golf courses, buffer areas, utility easements, water bodies, wetlands, and floodplains. Open space shall be designated on the approved final site plan.
- g. Recreational areas shall be provided in all developments totaling more than 30 dwelling units such that 500 square feet of active recreation space is provided per unit for the first 200 units, thereafter, 250 square feet of active recreation area per each additional unit. Active recreational space may include, but not be limited to, playfields with play structures, ballfields, multipurpose courts, swimming pools, tennis courts, and other similar facilities for active recreational opportunities. Lakes may also qualify for up to 30 percent of the required active recreation space provided that the use of any lake so qualifying is open to all homeowners in the development, contains specified active recreation features such as boating, swimming and ice skating, and is located to allow reasonably convenient access by residents of the majority of the dwelling units. The specific location and timing of construction of active recreation space shall be included in the approved development plan. The location shall be such that active recreation space is located within one-half mile of all dwellings. Development plans shall also include passive recreational space which shall, at a minimum, include a network of trail or other pedestrian ways to allow pedestrian access to recreation areas to allow safe and convenient pedestrian access to schools, public facilities and shopping. Recreational areas shall be designated on the approved final site plan.
- h. Recreation facilities within a multifamily development.
 - (i) Construction of recreation facilities described in the development plan shall be in accordance with a schedule approved as part of the site plan and shall be constructed at a rate equivalent to or greater than the rate of construction of dwellings. At a minimum, a phasing plan must ensure that major recreation facilities, such as pools, clubhouses and tennis courts, are constructed prior to

the completion of 50 percent of the total units. Recreation facilities shall be adequately soundproofed. Lighting of any outdoor recreation facility must be designed to eliminate or mitigate glare onto any residential use or roadway pursuant to § 66-44. The hours of operation for outdoor recreation facilities shall not exceed 7:00 a.m. to 11:00 p.m.

(ii) The following location requirements shall apply to recreation space:

1. Recreation areas intended for general use and shall be accessible for pedestrians from dwellings with a minimum of street crossings.
2. Walkways and recreational areas shall be designed to create an interconnected system, serving also as routes to schools, churches and other major pedestrian destinations.
3. The recreation and walkway system shall be located in block interiors and oriented away from exposure to automotive traffic.
4. At least 90 percent of all dwelling units shall be within 600 feet (by normal pedestrian routes) of countable recreation space.

(5) Townhouse and single-family attached dwellings.

- a. No more than ten townhouses shall be constructed contiguously.
- b. The facades of individual townhouses within any contiguous row of townhouses shall be sufficiently varied in their materials, design, or appearance as to visually distinguish them as individual dwelling units.
- c. Any townhouse shall front on, or be accessed by, a public street.
- d. Any provided open space shall be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.
- e. A minimum ten percent of the gross acreage for each townhouse development shall be provided in one contiguous parcel of land for common open space, of such location, condition, size, and shape to be usable for recreation. Floodplain land shall not be included in said ten percent. Such common space shall be designated on the approved final site plan.
- f. Each townhouse shall be permitted one accessory structure not exceeding seven feet in height nor covering more than 64 square feet in area. The rear yard of any Townhouse in which any such accessory building is located shall be screened from all adjacent properties by a solid ornamental screening type fence or solid brick or ornamental masonry wall six feet in height.
- g. The development shall efficiently utilize the available land and protect and preserve to the extent possible all scenic assets and natural features such as trees, streams, and topographic features.
- h. Public water and sewer are required for all townhouse developments.
- i. Each building end wall must have at least two architectural features, such as window, chimney or other feature to avoid massive monolithic appearance.

(d) Civic uses.

(1) Cemeteries.

- a. The approval of a cemetery shall include the following uses without further zoning approval required: all uses necessarily or customarily associated with interment of human remains, benches, ledges, walls, graves, roads, paths, landscaping, and soil

storage consistent with federal, state, and local laws on erosion and sediment control.

- b. Mausoleums, columbaria, chapels, administrative offices, and maintenance storage areas that are shown in the applicant's site plan shall not require additional approval by the Town, provided such structures and uses are developed in accordance with the original site plan.

(2) Public maintenance and service facility.

- a. The outside storage for supplies, materials, or heavy equipment must be in the rear yard and screened from any non-industrial zoned parcels or rights-of-way in accordance with § 66-43.
- b. Outside storage areas shall not exceed thirty-five (35) percent of the total area of the site.

(3) Recreation facility, public.

- a. Any outdoor activity area, swimming pool, ball field, or court which adjoins a residential use type shall include screening and buffering in accordance with § 66-43.
- b. Where nighttime lighting is proposed it shall be fully shielded and large evergreen trees shall be required to appropriately screen any adjoining residences.

(e) Commercial uses.

(1) Adult businesses.

- a. Distances specified in this section shall be measured from the property line of one use to the property line of the other. The distance between an adult business and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residential zoning district.
 - (i) An adult business shall be located at least 500 feet from any religious assembly, education facility, public recreational facility, day care center, public assembly, nursing home, hotel, bed and breakfast, or residential zoning district in existence on the date on which the store obtains its zoning permit.
 - (ii) No adult business shall be located within 1,000 feet of any other adult business.
- b. No adult business shall display adult media, depictions of specified sexual activities or specified anatomical areas in its window, or in a manner visible from the street, highway, or public sidewalk, or the property of others. Window areas shall remain transparent.
- c. The business shall not begin service to the public or any outside activity before 7:00 a.m. local time. Hours of operation for any adult movie theater, adult nightclub or other business providing adult entertainment shall not extend after 1:00 a.m. local time. Hours of operation for any adult bookstore, adult video store, adult model studio, adult store, or any other adult business, except an adult motel shall not extend after 12:00 midnight local time.

(2) Automobile repair service.

- a. Motor vehicle storage and impoundment facilities associated with towing or auto repair uses shall only store wrecked and/or inoperable and/or abandoned vehicles for 30 days or less, and shall not include the dismantling, wrecking or sale of said vehicles or parts thereof. No automobile graveyards, junkyards, or other such impoundment facilities shall be permitted.

- b. All vehicles stored on the premises in excess of seventy-two (72) hours shall be placed in a storage yard that is not visible from any public street.
 - c. No exterior display or storage of new or used automobile parts is permitted.
 - d. There shall be no storage of motor vehicles in landscaped areas or within ten (10) feet of the public road right-of-way.
 - e. All major repairs shall be performed within a completely enclosed building.
- (3) Bed-and-breakfast.
- a. No changes shall be made to the building exterior that would detract from its appearance as a family dwelling.
 - b. Bed-and-breakfasts shall only be permitted in existing structures and may not increase the size of the structure, including accessory structures, by more than 25% of the original square footage. Any additions or modifications shall be residential in appearance and compatible with the original structure and surrounding structures and the overall footprint of the structure, and parking shall not be excessive for the size and shape of the lot.
 - c. Bed-and-breakfasts are to be integrated into the residential fabric of the neighborhood in which they are located. A proposed bed-and-breakfast should not affect the integrity or character of the single-family residential neighborhood for which it is proposed.
 - d. Existing structures and landscaping determined to contribute to the character of the neighborhood shall not be removed.
 - e. Guest rooms shall not have cooking facilities.
 - f. The maximum stay for a guest shall be 14 days.
 - g. Bed-and-breakfast establishments are permitted solely to provide lodging and breakfast accommodations. Additional activities, including receptions, parties and other events, are not permitted unless specifically authorized by the special use permit.
 - h. Bed-and-breakfast establishments must be occupied by the owner.
- (4) Car wash.
- a. Car washes shall be located and designed so that vehicular circulation does not conflict with traffic movements in adjacent streets, service drives, and/or parking areas.
 - b. Car washes shall be constructed in a design similar to the building character of the surrounding area.
 - c. Parking shall be located behind the front line of the principal building.
 - d. No sales, repair, or outside storage of motor vehicles shall be conducted on the site.
- (5) Construction sales and service.
- Construction sales and services shall be subject to the following general standards:
- (i) Outdoor storage and/or display of goods, supplies, materials, or heavy equipment shall be located to the rear of the principal building.
 - (ii) Outside storage areas shall not exceed twenty-five (25) percent of the total site area.
 - (iii) Outdoor storage areas shall be screened from business and residential zoned properties by an opaque fence a minimum of six feet high.
- (6) Convenience store.
- Convenience stores shall be subject to the following general standards:

- (i) Applicants shall demonstrate that the use will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
- (ii) Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure.
- (iii) Fuel pumps shall be at least 20 feet from any property line.
- (iv) Any gasoline, liquefied petroleum, gas or oil storage tanks shall be so installed as to comply with all town, state and national fire prevention code regulations.
- (v) The zoning administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.

(7) Campgrounds.

Where allowed, all campgrounds shall meet the following requirements:

- (i) Minimum lot size. The minimum lot area for a campground shall be seven acres.
- (ii) Maximum density shall be ten sites per gross acre.
- (iii) A site plan shall be submitted for consideration along with the application for a special use permit. Such plans shall include provisions for the protection of environmental features on the campground site and for stormwater management.
- (iv) No more than one permanent residence shall be allowed in a campground, which shall only be occupied by the owner or manager.
- (v) Landscaping buffering and screening.
 - 1. All structures, campsites and parking areas shall be set back at least 50 feet from the boundary of the campground. Within this buffer, one large deciduous, large evergreen or small deciduous tree shall be planted every 30 linear feet along the public street right-of-way. In addition, one evergreen shrub shall be placed in the planting strip every five linear feet.
 - 2. The vehicle or tent location on each campsite shall be separated from others by at least 20 feet.
 - 3. All bulk solid waste receptacles shall be maintained in a clean condition. Such receptacles shall be enclosed on all four sides to shield it from public view or from unauthorized access. The owner of the premises benefitted by a bulk solid waste receptacle shall maintain the screening in workable and effective condition.
- (vi) All campgrounds shall be served by town water and sewer facilities.
- (vii) Access to all campgrounds shall be by a paved roadway at least 24 feet in width from the nearest public road. Roadways within campgrounds shall have hard surface or solid porous block or equivalent dust free paving, not gravel. Such internal roadways shall be 24 feet in width for two-way roads and 12 feet in width for one-way roads. Each camping site shall also have one parking space, with minimum dimensions of ten feet by 20 feet.
- (viii) Patrons in campgrounds may stay no longer than 14 nights in any 30-day period or 45 nights in any one calendar year. The owner of a campground shall maintain a log of all patrons, including their name, address, license plate number and state, and their length of stay. The log shall be available to Town staff upon request.

Retail sales for the convenience of campground tenants are permitted. Items are limited to food, concessions, recreational supplies, personal care items, and other items clearly supportive of campground tenants' needs. The sale and/or storage of recreational vehicles that are not occupied nightly is strictly prohibited.

- (ix) The following amenities are required:
 - 1. Registration office/small store (unless reasonable similar shopping is available within walking distance).
 - 2. Bathhouse and restrooms.
 - 3. Pavilion.
 - 4. Playground and play equipment for children.
 - 5. Electric hookups (30 amperes, 50 amperes (25 percent of sites) all 120 volts).
 - 6. Wi-Fi at all sites.
 - 7. Cable TV at all sites.
 - 8. Sanitary disposal station with clean water source.
 - (x) The following additional amenities are desired and encouraged:
 - 1. Recreation building.
 - 2. Swimming pool.
 - 3. Pull through sites for larger RVs.
 - 4. Rental cabins up to 450 square feet and in quantity not to exceed 15 percent of total number of combined sites.
 - (xi) Town Council may, at its discretion, reduce the required parking for the store and recreational facilities by up to 75 percent by allowing parking at campsites, or any portion thereof, to count toward required parking.
 - (xii) Within 12 months of opening the campground, each site shall be marked so as to be readily identifiable and easily readable from the park or camp road.
 - (xiii) The campground operator shall provide 24/7 on-site personnel for maintenance, assistance, supervision, and security.
- (8) Day care center.
- a. Minimum lot size: One half (0.5) acre, lots in B-1 are exempt.
 - b. Parking shall be provided as follows: B-1 districts are exempt from the parking requirements, designated arrival and departure zones shall be located adjacent to the day care center in such a manner that children do not have to cross vehicle traffic aisles to enter or exit the center, and arrival and departure area shall include at least one parking/stacking space per 10 children.
 - c. Outdoor recreation areas shall be safely separated from all parking, loading, and service areas.
 - d. Fencing. A fence a minimum of four feet in height shall completely enclose the outdoor recreation area so that children are safely contained.
- (9) Funeral home.
- The funeral home shall provide a buffer and landscaping, in accordance with § 66-43, between it and any residentially zoned property abutting or directly across the street from the funeral home use.
- (10) Home occupations, class A and class B.
- a. One minor sign shall be permitted.

- b. The area devoted to the home occupation shall not exceed 35 percent of the gross floor area of the dwelling unit.
- c. Use shall be conducted as an accessory use and shall not change the character of the dwelling unit nor have any exterior evidence of its use.
- d. The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.
- e. The home occupation shall not increase the demand on water, sewer, or garbage collection services to the extent that its use combined with the residential use of the dwelling shall not be significantly higher than is normal for residential uses.
- f. The equipment used by the home-based business and the operation of the business shall not create any noise, vibration, heat, glare, dust, odor, or smoke discernible at the property lines or use or store hazardous materials in excess of quantities permitted in residential structures.
- g. Approval of a home occupation use shall be revocable at any time by the Town because of the failure of the owner or operator of the use covered by the approval to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.
- h. Approval of a home occupation use shall expire, if the use authorized has been intentionally abandoned, or ceased to operate for a period of one year, has not commenced operation within one year of approval, or does not have a current Town business license.

(11)Hotel.

The structure shall match the scale and mass of the surrounding structures as determined by the zoning administrator.

(12)Mixed use structure.

In a B-1 or B-2 zoning district the following are required:

- (i) Commercial and retail uses are those allowed in the B-1 and B-2 district, respectively.
- (ii) Dwelling units are permitted by-right on the second or any higher floor.
- (iii) Dwelling units occupying the first floor of any structure shall only be allowed when:
 - 1. First floor residential units are not visible from a public street.
 - 2. The building fronts on a public street, the residential portion of the first floor shall be required to be shielded by office or retail space or a lobby that maintains a commercial appearance.

(13)Outdoor Storage.

- a. Outdoor storage of goods or materials shall not be permitted in any front or side yard areas.
- b. In rear yards, outdoor storage shall be allowed only when fully screened from residential and business zoned properties.
- c. Cut firewood for personal use and building materials on a temporary basis for use on site may be stored on a residential lot.

(14)Restaurant, drive-in.

- a. Stacking spaces shall not interfere with the travel way traffic or designated parking spaces.
- b. Six stacking spaces shall be located behind the order speaker and four stacking spaces shall be located between the order speaker and the pickup window.

- c. Extended awnings, canopies, or umbrellas are permitted.
- (15) Restaurant, mobile (also known as food truck, etc.).
- a. The following additional requirements apply to sales from a mobile restaurant operating on private property or within public spaces or rights of way, except when operating in conjunction with temporary, special events permitted under applicable sections of the town code:
 - (i) Mobile restaurants shall obtain a town mobile restaurant permit from the town at least three business days prior to initial operation. The permit shall be valid January 1st (or from whatever date the permit is first issued) through December 31st of the calendar year and shall be renewed annually.
 - (ii) Mobile restaurants shall maintain a valid business license issued by the town and a valid health permit issued by the health department.
 - (iii) A mobile restaurant may operate on either public property or private commercially zoned property with written permission from the owner.
 - (iv) No items shall be sold other than food and beverages.
 - (v) No music shall be played that is audible outside of the vehicle.
 - (vi) Mobile restaurant vehicles shall not block the main entry drive isles, or impact pedestrian or vehicular circulation overall, or other access to loading areas, or emergency access and fire lanes. The mobile restaurant must also be positioned at least 15 feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys, and handicapped parking spaces.
 - (vii) A mobile restaurant may operate between 7am and 9pm Sunday to Thursday and between 7am to 11pm Friday and Saturday (including set-up and break-down) on any one day at any single location. The vehicle and all accessory structures shall be removed each day.
 - (viii) No signs may be displayed except:
 - 1. Those permanently affixed to the vehicle.
 - 2. One, A-framed sign not to exceed four feet in height and six square feet of display for each of the two sides and the sign cannot block any passageways.
 - (ix) Trash receptacles shall be provided and all trash, refuse, or recyclables generated by the use shall be removed from the site by the operator at the end of the business day.
 - (x) No liquid wastes shall be discharged from the mobile restaurant.
 - (xi) No mobile restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the mobile restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided.
 - (xii) No mobile restaurant shall locate within 100 feet of a single family or two-family residential use.
 - (xiii) Vehicles may be otherwise limited by the town depending on the location or other details of the mobile restaurant permit application.
 - (xiv) A mobile restaurant may operate at any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request.

- (xv) The operation of the mobile restaurant or use of a generator should not be loud enough to be plainly audible 100 feet from the generator. Excessive complaints about vehicle or generator noise will be grounds for the zoning administrator to require that the mobile restaurant vendor change location on the site or move to another property.
- (xvi) The requirements of this section shall not apply to mobile restaurant vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).
- (xvii) A mobile restaurant permit may be revoked by the zoning administrator at any time, due to the failure of the property owner or operator of the mobile restaurant permit to observe all requirements for the operation of mobile restaurants. Notice of revocation shall be made in writing to address of record for mobile restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the board of zoning appeals.

(16) Retail.

- a. Outdoor display of items for sale shall comply with the following:
 - (i) All operations shall take place within a completely enclosed building except that a permit for the accessory sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the zoning administrator, which permit shall indicate the location, size, duration, and purpose of the accessory outdoor display. Such use shall be limited in duration and size to ensure the subordinate nature of the use.
 - (ii) Shall be limited to a maximum of five percent of the total lot area.
 - (iii) Shall be permitted only within ten feet of the building but not displayed on top of the building.
 - (iv) Merchandise displayed must be in working order and immediately available for sale.
 - (v) All surfaces will be graded and drained as to dispose of all surface water accumulated within the area to a public storm drain or on-site detention as approved with stormwater plans.
 - (vi) Asphalt or concrete walkways or aisles shall be provided to permit all-weather customer access to all areas of the outdoor display.
- b. The outdoor display of automobiles and equipment from automobile and equipment sale establishments are exempt from the above requirements.

(17) Short-term rental.

- a. Definitions. As used in this article, unless the context requires a different meaning:
 - (i) *Booking transaction* means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.
 - (ii) *Guest or transient* means a person who occupies a short-term rental unit.
 - (iii) *Short-term rental* means a residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month-to-month extensions following completion of a year's lease.
 - (iv) *Primary resident (or host)* means the owner of the short-term rental unit, or lessee of the short-term rental unit with a lease agreement that is one year or greater in length, who occupies the property as his or her principal place of

residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

- (v) *Residential dwelling unit* means a residence where one or more persons maintain a household.
- (vi) *Type A rentals* means rentals where the host is present during the short-term rental and no more than two bedrooms of the short-term rental unit are rented.
- (vii) *Type B rentals* means all other rentals, including ones where more than two bedrooms of the short-term rental unit are rented, or the host is not present during the short-term rental.

- b. Registration and other requirements.
 - (i) No host shall operate a short-term rental business without the host first having registered with the zoning administrator as required by Virginia Code §15.2-983, as amended.
 - (ii) The zoning administrator will report all registrations to the town treasurer for the collection of the transient lodging tax as set forth in the town code.
- c. The registration form shall include the following information:
 - (i) The name, telephone number, address, and email address of the host.
 - (ii) A reminder about the importance of having appropriate levels of insurance that covers the homestay unit, the host and the guests.
- d. The registration shall be valid January 1st (or from whatever date the registration first occurs) through December 31st of the calendar year and shall be renewed annually.
- e. A logbook shall be maintained for all rentals and be made available for review by the Town upon request.
- f. No signage advertising a short-term rental shall be allowed for a short-term rental business located in the R-1, R-2, and R-3 residential zoning districts. A short-term rental located in the B-1 district is not limited by the requirements of this subsection.
- g. Registration may be revoked if more than three substantiated complaints are received within a one-year period. Revocation is for a minimum of one year but may be permanent at the discretion of the town.
- h. A host may only operate one residential dwelling unit as a short-term rental within the town limits.
- i. Any short-term rental business in violation of zoning regulations, including operation without registering, is subject to all relevant penalties as set forth by the town.
- j. A host is permitted a maximum 104 nights of type A and type B rentals in each calendar year for a short-term rental business located in the R-1, R-2 and R-3 residential zoning districts. Of these 104 nights of rentals, no more than 45 nights may be type B rentals. In the required logbook, the number of type A and type B rentals shall be listed for all booking transactions. A short-term rental located in the B-1 district is not limited by the requirements of this subsection.
- k. In all residential zoning districts, the dwelling unit used for short-term rentals must be the host's primary residence, which means that he or she resides there for at least 185 days during each year.
- l. The owner of a short-term rental unit located in the B-1 district is not required to meet the primary resident requirement.
- m. Off-street parking may not be required or may be reduced in number for short-term rentals located in the R-1, R-2, R-3, and B-1 zoning districts, provided:
 - (i) The required off-street parking is provided in a remote parking lot which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to satisfy this requirement for short-term rentals shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article; or

- (ii) The owner provides letters or a signed petition showing agreement by all adjacent property owners to the proposal to reduce or delete the requirement for off street parking; or
 - (iii) Public parking is provided within 500 feet of the principal use and can reasonably provide the required off-street parking.
- n. Safety.
- (i) The town, or the county on behalf of the town, may inspect any short-term rental once per year for compliance with applicable building codes.
 - (ii) Site address. Building (dwelling) will have an approved address placed in a position that is plainly legible and visible from the street fronting the property. Structures obscured from street view or access roads in excess of one hundred and fifty (150) feet in length shall additionally post the numerical address at the roadway entrance.
- o. Use regulations.
- (i) No recreational vehicles, buses, or trailers shall be parked on the adjoining street or visible on the property in conjunction with the short-term rental use.
 - (ii) The dates for trash collection shall be posted prominently in the short-term rental unit.
 - (iii) During each stay at the short-term rental unit, a principal guest shall be designated as the contact person for town officials in the event of safety or behavioral issues at the unit. The host shall provide this information upon request to authorized Town officials.
 - (iv) The host shall not permit occupancy of a short-term rental unit for a period of less than overnight.
 - (v) The name and telephone number of the host or the host's designee shall be conspicuously posted within the short-term rental unit. The host shall answer calls 24 hours a day, seven days a week for the duration of each short-term rental to address any problems associated with the short-term rental unit.
 - (vi) The principal guest of a short-term rental unit shall be at least 18 years of age.
 - (vii) The maximum number of adult guests in a short-term rental unit is limited to two adults per bedroom.
- p. Registration suspension or cancellation.
- (i) A registration may be suspended or cancelled for the following reasons:
 - 1. Failure to collect and/or remit the transient occupancy tax.
 - 2. Three or more substantiated complaints (including, but not limited to, parking on grass, noise, excess trash) within a twelve-month period.
 - 3. The failure of any short-term rental host to maintain his or her principal place of residence or domicile at the dwelling unit (as required in the residential zoning districts) used as a limited residential lodging.
 - (ii) Before any suspension or cancellation can be effective, the zoning administrator shall give written notice to the short-term rental host. The notice of suspension or cancellation issued under the provisions of this chapter shall contain:
 - 1. A description of the violation(s) constituting the basis of the suspension or cancellation;
 - 2. If applicable, a statement of acts necessary to correct the violation; and

3. A statement that if no written response by the host is received by the zoning administrator within 30 days from the date of the notice, the registration will be suspended or cancelled.
- (iii) The notice shall be given to the host by delivering a copy of the notice in person. If the host cannot be found, such notice shall be sent to the address of record by:
 1. Certified mail or e-mail to the addresses in the registration form; and
 2. A copy of the notice shall be posted in a conspicuous place on the premises.
 - (iv) A copy of the notice will be provided to the treasurer to advise the registration may be revoked.
 - (v) Any determination made by the zoning administrator may be appealed to the board of zoning appeals in accordance with § 66-25.
- q. Penalty.
- (i) It shall be unlawful to operate a short-term rental:
 1. Without obtaining a registration as required by this article,
 2. After a registration has been suspended or cancelled, or
 3. In violation of any other requirement of this article.
 4. The penalty shall be a fine of \$500.00 per occurrence for an operator required to register who offers for short-term rental a property that is not registered.
- (18)Store, grocery.
- Additional standards for the B-1 district:
- (i) Any new buildings shall be street-oriented with pedestrian entrances from the street and compatible with the surrounding development.
 - (ii) Lighting shall be consistent with the surrounding neighborhood.
- (19)Store, liquor.
- a. A proposed liquor store shall not be located within 500 feet of an existing liquor store. This distance shall be measured from the property line of one business to the property line of the other.
 - b. Exterior lighting shall be compatible with the surrounding neighborhood.
 - c. The scale, massing, and building design shall be compatible with the surrounding neighborhood.
- (20)Wholesale sales.
- a. Loading areas shall be sited to minimize the impact on any surrounding neighborhood.
 - b. Parking shall be located behind the front line of the principal building.
- (f) Industrial uses.
- (1) All industrial uses shall be subject to the following general standards:
 - a. Additions and other exterior structural modifications shall be consistent with the materials and colors of the primary structure on site.
 - b. Roof drainage shall be integrated into the design of the building. Scuppers and other devices used to convey rainwater shall be located at the base of the building.
 - c. Vertical and horizontal offsets shall be integrated within building facades to minimize building bulk.
 - d. Rooflines of industrial buildings shall vary to avoid long horizontal rooflines.

- e. When sloped roofs are incorporated into a design, equipment wells shall be used to continue the existing pitch and roofline.
 - f. Exterior materials, textures, and colors shall be compatible with surrounding land uses and bright or reflective colors or materials are to be avoided.
 - g. All installed equipment, electrical rooms and service rooms shall be placed within the footprint of the structure.
 - h. Processes, equipment operations and goods for sale shall be limited to those that do not adversely impact use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter, or water-carried waste.
 - i. Sites with multiple service/loading facilities shall locate such facilities to reduce visual and noise impacts upon surrounding land uses.
 - j. Pedestrian walkways shall be provided between buildings, at building entrances, and within parking areas. Walkways shall be accessible, safe, and well-lit pursuant to § 66-44.
 - k. Uses to be conducted in the I-2 district shall be within enclosed buildings. All uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a uniformly painted solid board fence, an evergreen hedge, or an evergreen wooded area at least six feet in height. Public utilities and signs requiring natural air circulation, unobstructed view or other technical consideration necessary for proper operation may be exempt from this provision. This exception does not include storing of any material.
- (2) Solar energy, small scale and medium scale.
- a. The design and installation of all solar energy facilities shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations and shall comply with all fire and safety requirements.
 - b. Small and medium scale energy facilities shall comply with all applicable federal, state and town regulations, ordinances and codes.
 - c. Any small or medium scale solar facility installed upon a roof top shall submit a site plan to the zoning administrator and an engineering study to the building official's office for review.
 - d. All small or medium scale solar energy facilities shall comply with the following performance standards:
 - (i) If the solar energy facility is ground-mounted or not flush-mounted on a principal or accessory building, the panel height shall not exceed 15 feet.
 - (ii) The solar energy facility shall comply with all setback requirements pursuant to the Dimensional Standards Table.
 - (iii) The lowest surface of any panel shall be a minimum of four feet above the finished grade on which the panel is located.
 - (iv) All wiring not on the solar arrays shall be underground except where necessary to connect to the public utility.
 - (v) Landscaping and screening shall be provided in compliance with the requirements of loading and storage as specified within the industrial district.
 - (vi) All broken or waste solar modules shall be removed from the site within 60 days of being taken out of service.

- e. Removal of abandoned solar generating equipment.
 - (i) A bond, whose amount shall be determined by the town manager, shall be required to assure the removal of an abandoned solar energy facility.
 - (ii) Any solar energy facility that has not operated for a period of 12 months shall be considered unused and abandoned. The owner of an unused facility shall remove the entire system within six months of receipt of notice from the town manager notifying the owner of the equipment removal requirement. Removal includes removing any underground structures or supports and electrical transmission wire and disposing in accordance with local, state, and federal codes and regulations.
- (3) Solar facility, utility scale.
 - (a) In addition to other zoning ordinance and special use permit requirements, applications for utility scale solar shall include:
 - (i) Comprehensive plan review. A 2232 review by the town is required by Virginia code §15.2-2232 for utility-scale solar facilities. This Code provision provides for a review by the planning commission of public utility facility proposals to determine if their general or approximate location, character and extent are substantially in accord with the comprehensive plan or part thereof.
 - (ii) A concept plan prepared by an engineer with a professional engineering license in the Commonwealth of Virginia, that shall include the following:
 1. A description of the subject parcels.
 2. Property lines and setback lines.
 3. Existing and proposed buildings and structures; including preliminary locations of the proposed solar panels and related equipment; the location of proposed fencing, driveways, internal roads, and structures; and the location of points of ingress/egress.
 4. The location and nature of proposed buffers and screening elements, including vegetative and constructed buffers.
 5. A grading plan.
 6. A landscaping maintenance plan.
 7. Existing and proposed access roads, drives, turnout locations, and parking.
 8. Location of substations, electrical cabling from the solar facility systems to the substations, ancillary equipment, buildings, and structures including those within any applicable setback.
 9. Fencing or other methods of ensuring public safety
 10. Five sets (11" × 17" or larger), one reduced copy (8½" × 11") and one electronic copy of the concept plan, including elevations and landscape plans as required.
 11. Provide an inventory of all solar facilities – existing or proposed – within a four- mile radius.
 12. Additional information may be required as determined by the zoning administrator, such as a scaled elevation view of the property and other supporting drawings, photographs of the proposed site, photo or other realistic simulations or modeling of the proposed project from potentially sensitive locations as deemed necessary by the zoning administrator to assess the visual impact of the project, landscaping and screening plan,

- coverage map, and additional information that may be necessary for a technical review of the proposal.
- (iii) Concept plan compliance. The facility shall be constructed and operated in substantial compliance with the approved concept plan, with allowances for changes required by the Virginia Department of Environmental Quality (DEQ) permit by rule (PBR) process.
 - (iv) Decommissioning plan. A detailed decommissioning plan, certified by an engineer, which shall include the following:
 - 1. The anticipated life of the project;
 - 2. The estimated decommissioning cost in current dollars;
 - 3. How the estimate was determined;
 - 4. The method of ensuring that funds will be available for decommissioning and removal;
 - 5. The method that the estimated decommissioning cost will be kept current; and,
 - 6. The manner in which the project will be decommissioned and the site restored.
 - (v) The applicant shall provide a cost estimate for the decommissioning of the facility that shall be prepared by a professional engineer or contractor who has expertise in the removal of the solar facility. The decommissioning cost estimate shall explicitly detail the cost and shall include a mechanism for calculating increased removal costs due to inflation and without any reduction for salvage value. This cost estimate shall be recalculated every five (5) years and the surety shall be updated accordingly.
 - (vi) A proposed method of providing appropriate escrow, surety or security for the cost of the decommissioning plan.
 - (vii) Traffic study submitted with application modelling the construction and decommissioning processes. Town staff will review the study in cooperation with VDOT.
 - (viii) An estimated construction schedule.
 - (ix) Wetlands, waterways, and floodplains shall be inventoried, delineated, and avoided.
 - (x) Environmental inventory and impact statement regarding any site and viewshed impacts, including direct and indirect impacts to national and state forests, national or state parks, wildlife management areas, conservation easements, recreational areas, or any known historic or cultural resources within three (3) miles of the proposed project.
 - (xi) A visual impact analysis demonstrating project siting and proposed mitigation, if necessary, so that the solar facility minimizes impact on the visual character of the town.
 - 1. The applicant shall provide accurate, to scale, photographic simulations showing the relationship of the solar facility and its associated amenities and development to its surroundings. The photographic simulations shall show such views of solar structures from locations such as property lines and roadways, as deemed necessary by the town in order to assess the visual impact of the solar facility.
 - 2. The total number of simulations and the perspectives from which they are

prepared shall be established by the zoning administrator after the pre-application meeting.

(b) Minimum development standards

- (i) Location standards for utility-scale solar facilities. The location standards stated below for utility-scale solar facilities are intended to mitigate the adverse effects of such uses on adjoining property owners, the area, and the town.
 1. The minimum area of a utility-scale solar facility shall be 2 acres, and the maximum area shall be less than 200 acres.
 2. No utility-scale solar facility shall be located within one mile of another existing or permitted utility-scale solar facility unless the combined acreage coverage is less than 400 acres.
 3. Utility-scale solar facilities shall not be proximate to residences; historic, cultural, recreational, or environmentally sensitive areas; and scenic viewsheds.
- (ii) The minimum setback to property lines of parcels with dwellings shall be 200 feet. The minimum setback to all other property lines shall be 150 feet.
- (iii) The maximum height of the lowest edge of the photovoltaic panels shall be 10 feet as measured from the finished grade. The maximum height of primary structures and accessory buildings shall be 15 feet as measured from the finished grade at the base of the structure to its highest point, including appurtenances. The town council may approve a greater height based upon the demonstration of a significant need where the impacts of increased height are mitigated.
- (iv) PV solar panels and any associated equipment shall not be located on slopes 10 percent or greater and no site shall be graded more than 50% of the site surface area.
- (v) The facilities, including fencing, shall be significantly screened from the ground-level view of adjacent properties by a buffer zone at least 100 feet wide that shall be landscaped with plant materials consisting of an evergreen and deciduous mix (as approved by town staff), except to the extent that existing vegetation or natural land forms on the site provide such screening as determined by the zoning administrator. In the event, existing vegetation or landforms providing the screening are disturbed, new plantings shall be provided which accomplish the same. Opaque architectural fencing may be used to supplement other screening methods but shall not be the primary method.
- (vi) The facilities shall be enclosed by security fencing on the interior of the buffer area (not to be seen by other properties) not less than seven feet in height. A performance bond reflecting the costs of anticipated fence maintenance shall be posted and maintained. Failure to maintain the security fencing shall result in revocation of the SUP and the facility's decommissioning.
- (vii) Ground cover on the site shall be native vegetation include pollinators and be maintained in accordance with the submitted Landscaping Maintenance Plan. A performance bond reflecting the costs of anticipated landscaping maintenance shall be posted and maintained. Failure to maintain the landscaping shall result in revocation of the SUP and the facility's decommissioning. Incorporation of native plant species that require no pesticides, herbicides, and fertilizers or the

use of pesticides and fertilizers with low toxicity, persistence, and bioavailability is recommended.

- (viii) The applicant shall identify at least one access corridor for wildlife to navigate through the solar facility. The proposed wildlife corridor shall be shown on the site plan submitted to the town. Areas between fencing shall be kept open to allow for the movement of migratory animals and other wildlife.
 - (ix) The design of support buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and surrounding structures.
 - (x) The owner or operator shall maintain the solar facility in good condition. Such maintenance shall include, but not be limited to, painting, structural integrity of the equipment and structures, as applicable, and maintenance of the buffer areas and landscaping. Site access shall be maintained to a level acceptable to the town. The project owner shall be responsible for the cost of maintaining the solar facility and access roads, and the cost of repairing damage to private roads occurring as a result of construction and operation.
 - (xi) A utility-scale solar facility shall be designed and maintained in compliance with standards contained in applicable local, state and federal building codes and regulations that were in force at the time of the permit approval.
 - (xii) A utility-scale solar facility shall comply with all permitting and other requirements of the Virginia Department of Environmental Quality.
 - (xiii) The applicant shall provide proof of adequate liability insurance for a solar facility prior to beginning construction and before the issuance of a zoning or building permit to the zoning administrator.
 - (xiv) Lighting fixtures as approved by the town shall be the minimum necessary for safety and/or security purposes to protect the night sky by facing downward and to minimize off-site glare. No facility shall produce glare that would constitute a nuisance to the public. Any exceptions shall be enumerated on the Concept Plan and approved by the zoning administrator.
 - (xv) No signage of any type may be placed on the facility other than notices, warnings, and identification information required by law.
 - (xvi) All facilities must meet or exceed the standards and regulations of the Federal Aviation Administration (“FAA”), State Corporation Commission (“SCC”) or equivalent, and any other agency of the local, state or federal government with the authority to regulate such facilities that are in force at the time of the application.
 - (xvii) Any other condition added by the planning commission or town council as part of a SUP approval.
- (c) Decommissioning.
- (i) Solar facilities which have reached the end of their useful life or have not been in active and continuous service for a period of one (1) year shall be removed at the owner’s or operator’s expense, except if the project is being repowered or a force majeure event has or is occurring requiring longer repairs; however, the town may require evidentiary support that a longer repair period is necessary.
 - (ii) The owner or operator shall notify the zoning administrator by certified mail and in person of the proposed date of discontinued operations and plans for removal.

- (iii) Decommissioning shall include removal of all solar electric systems, buildings, cabling, electrical components, security barriers, roads, foundations, pilings, and any other associated facilities, so that any agricultural ground upon which the facility and/or system was located is again tillable and suitable for agricultural or forestall uses. The site shall be graded and re-seeded to restore it to as natural a pre-development condition as possible or replanted with pine seedlings to stimulate pre-timber pre-development conditions as indicated on the Preliminary Site Plan. Any exception to site restoration, such as leaving access roads in place or seeding instead of planting seedlings must be requested by the land owner in writing, and this request must be approved by the town council (other conditions might be more beneficial or desirable at that time).
- (iv) The site shall be re-graded and re-seeded or replanted within 12 months of removal of solar facilities. Re-grading and re-seeding or replanting shall be initiated within a six-month period of removal of equipment.
- (v) Decommissioning shall be performed in compliance with the approved decommissioning plan. The council may approve any appropriate amendments to or modifications of the decommissioning plan.
- (vi) Hazardous material from the property shall be disposed of through any viable recycling methods and in accordance with federal and state law.
- (vii) The estimated cost of decommissioning shall be guaranteed by the deposit of funds in an amount equal to the estimated cost in an escrow account at a federally insured financial institution approved by the town.
 1. The applicant shall deposit the required amount into the approved escrow account before any building permit is issued to allow construction of the solar facility.
 2. The escrow account agreement shall prohibit the release of the escrow funds without the written consent of the town. The town shall consent to the release of the escrow funds upon on the owner's or occupant's compliance with the approved decommissioning plan. The town may approve the partial release of escrow funds as portions of the approved decommissioning plan are performed.
 3. The amount of funds required to be deposited in the escrow account shall be the full amount of the estimated decommissioning cost without regard to the possibility of salvage value.
 4. The owner or occupant shall recalculate the estimated cost of decommissioning every five years. If the recalculated estimated cost of decommissioning exceeds the original estimated cost of decommissioning by ten percent (10%), then the owner or occupant shall deposit additional funds into the escrow account to meet the new cost estimate. If the recalculated estimated cost of decommissioning is less than ninety percent (90%) of the original estimated cost of decommissioning, then the town may approve reducing the amount of the escrow account to the recalculated estimate of decommissioning cost.
 5. The town may approve alternative methods to secure the availability of funds to pay for the decommissioning of a utility-scale solar facility, such as a performance bond, letter of credit, or other security approved by the town.

- (viii) If the owner or operator of the solar facility fails to remove the installation in accordance with the requirements of this permit or within the proposed date of decommissioning, the town may collect the surety and the town or hired third party may enter the property to physically remove the installation.

Section 66-41. – Signs.

(a) Purpose and intent.

- (1) The purpose of this section is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech and in a manner consistent with the comprehensive plan. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
- (2) Signs not expressly permitted as being allowed under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the town are prohibited.
- (3) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(b) Sign permits.

- (1) Permit required. Except when otherwise exempted by this article, no sign shall be erected, constructed, posted, altered, or relocated, unless and until a zoning permit has been issued by the zoning administrator and where provided for in this article.
- (2) Permit process. Before any zoning permit is issued, the applicant shall submit to the administrator a sign permit application provided by the administrator, together with drawings and/or specifications as may be necessary to fully advise and acquaint the administrator with the location, construction, materials, manner of illuminating and/or securing or fastening, and number of signs applied for, and the style of the wording of the sign or advertisement to be carried on the sign.
- (3) Application. The permit application shall contain:
 - a. The location of the sign structure;
 - b. The name and address of the sign owner and of the sign erector;
 - c. The dimensions and elevation;
 - d. A drawing showing the design, including method of illumination and fastening, specific materials and hardware; and,
 - e. Such other pertinent information as the administrator may require to ensure compliance with this chapter or other ordinances of the town.
- (4) Fees. Fees for sign permits shall be as fixed from time to time by council.

- (5) Building codes and inspections. Structural and safety features and electrical systems shall be in accordance with the requirements of applicable codes and ordinances. No sign shall be approved for use unless it has been inspected by the department issuing the permit and is found to comply with the requirements of this chapter and applicable technical codes. All signs which are electrically illuminated shall require a separate electrical permit and inspection.
- (6) All signs shall be erected within six months from the date of approval of the sign permit; otherwise, the permit shall become null and void and a new permit shall be required. The zoning administrator may grant one extension of the permit for a period of six months, but in no case shall a permit be valid for more than a total of 12 months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

- (c) Exemptions. Sign permits shall not be required for the following signs; however, all applicable regulations of this chapter shall apply.
- (1) Signs erected by a governmental body or required by law, including official traffic signs or sign structures, provisional warning signs or sign structures, and temporary signs indicating danger.
 - (2) Minor signs as defined by this ordinance not exceeding three total signs per street frontage per parcel.
 - (3) Change of message of an approved sign.
 - (4) Painting, repainting, cleaning and other normal maintenance and repair of signs or sign structures, unless a structural change is made.
 - (5) Temporary signs four square feet or smaller, including real estate signs, contractor signs, and special event signs.
 - (6) Movie theater display that is erected flat against a wall and does not exceed 48 square feet in area.
 - (7) A sign displayed on a truck, bus or other vehicle, while in use in the normal course of business with the exception of mobile billboards that are prohibited.
 - (8) Flags of the United States of America, Commonwealth of Virginia, Town of Mount Jackson or other flags displayed for non-commercial purposes.
 - (9) Any property actively offered for sale or lease may display one sign per street frontage in addition to those otherwise allowed by this ordinance, limited to a maximum area of 12 square feet in all zoning districts. Such signs shall be removed when the property is no longer offered for sale or lease and shall not be banner type signs.
- (d) Prohibited signs. The following signs are prohibited:
- (1) Flashing signs or signs lighted in a varying degree in either intensity or color, including strobe lights.
 - (2) Signs with moving, revolving or rotating parts, optical illusions or other apparent movement, but not including time, temperature and date signs and barber poles.
 - (3) Off-premises signs.
 - (4) Inflatable signs, moored balloons or other floating signs that are tethered to a structure or the ground.
 - (5) Signs or parts of a sign located anywhere on the roof of a building.
 - (6) Signs illuminated with sodium halide lights; and any illuminated sign that emits excessive levels of light in the opinion of the zoning administrator.
 - (7) Abandoned sign structures.
 - (8) Changeable copy signs, except as specifically permitted by this ordinance.
 - (9) Any signs, including posters and handbills, affixed to any structures, trees or other natural vegetation, rocks or poles.
 - (10) Any sign that may be confused with or obstruct the view of any authorized traffic sign or signal, or obstruct the sight-distance triangle at any road intersection, or extend into the public right-of-way or otherwise create a distraction for drivers.
 - (11) Portable signs, including those on wheels, except A-frame/sandwich boards complying with the provisions of this section.
 - (12) Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part or otherwise adversely affect safety or are in violation of any building code or other applicable law.

- (13) Signs that emit smoke, visible vapors, particles, normally detectable sound or odor shall not be permitted, including open flames used to attract public attention.
- (14) Mirrors or mirror devices on, in, or as part of a sign.
- (15) Signs placed, affixed or painted on a motor vehicle or trailer parked with the primary purpose of providing signage, and not used in the normal conduct of business.
- (16) Signs located in the public right-of-way, unless approved and erected by the Virginia Department of Transportation or the town.
- (17) Billboards, mobile billboards or signs of a similar size.
- (18) Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods. Any sign containing obscene text or pictures as defined by the Virginia Code.
- (19) Signs advertising activities or products that are illegal under federal, state, town, or county law.

(e) Sign standards: B-1 district.

Any business located within the B-1 district shall be limited to displaying no greater than one square foot of signage per foot of building width facing such street, alley or parking area. Corner lots may total both frontages in calculating the allowable sign area. Distribution of allowable sign area between multiple businesses in the same building is at the sole discretion of the property owner, but in no case shall the aggregate of business displays be greater than 100 square feet. Monument signs as defined in this chapter are preferred in the B-1 district. Individual signs shall be limited in their size and placement according to the following regulations.

Table 4. Maximum Sign Dimensions: B-1 Zoning District

SIGN TYPE	Number	Sign Area (Sq. Ft.)	Height (Ft.)
WINDOW	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
FREESTANDING¹	1 per business	9 sq.ft. per side for buildings < 30 ft frontage; 16 per side for buildings > 30 ft frontage	8
PROJECTING	1 per business per street frontage	9 sq. ft. per side for buildings < 30 ft frontage; 15 per side for buildings > 30 ft frontage	No less than 8 and 15 ft. max. above grade level
WALL	1 per business per street frontage	15 sq. ft.	15 ft. max. above grade level
CANOPY	Not limited	Letters not more than 6 inches high.	No less than 8

SIGN TYPE	Number	Sign Area (Sq. Ft.)	Height (Ft.)
INTERNALLY ILLUMINATED	Not permitted except one neon window sign not more than 3 sq. ft. ²	n/a	n/a
A-FRAME	1 per business	6 per side	4 feet
PAINTED	1 on side or rear wall	Shall not exceed 10% of that wall area	As per other standards
TEMPORARY (FREESTANDING, OR WALL ONLY)³	Not limited	8	4

¹Shopping centers consisting of five or more businesses and a min. of 200 feet of street frontage may have one additional freestanding sign not greater than 150 square feet.

²Such signs shall not flash and shall be “on” only during posted hours of business.

³Temporary signs and other exempt signs shall not count toward sign allotment for each business.

(f) Sign standards: B-2, B-3, I-1 and I-2 districts.

Any business located within a B-2, B-3, I-1, and I-2 districts shall be limited to displaying no greater than 2 square feet of signage per foot of building width facing the street, and in no case shall any business display greater than 100 square feet of signage per building width frontage except within the B-2 district and located within 400 feet of the right-of-way of an interstate interchange may allow an aggregate of 400 square feet. Signs in industrial districts, up to 40 square feet shall be setback at least ten feet and signs larger than 40 square feet shall be setback at least 20 feet. Individual signs shall be limited in their size and placement according to the following regulations.

Table 5. Maximum Sign Dimensions: B-2 and B-3 Zoning Districts

SIGN TYPE	Number	Sign Area (sq. ft.)	Height (Ft.)
WINDOW	Not limited	Lesser of 20% of window area or 6 sq. ft.	Not limited
FREESTANDING¹	1 per street frontage, limit 3 per lot	25 sq. ft. per side	20 ft. max.
PROJECTING	1 per business per street frontage	12 sq. ft.	No less than 9 ft.
WALL	1 per business per street frontage	25 sq. ft.	15 ft. max. above grade level
CANOPY	Permitted	Letters not more than 12 inches high.	No less than 9 ft.
INTERNALLY ILLUMINATED	Permitted	n/a	n/a
A-FRAME	1 per 30 feet of frontage	6 per side	4 feet
PAINTED	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards
TEMPORARY (FREESTANDING, OR WALL ONLY)²	Not limited	12 sq. ft.	4 ft.

¹Shopping centers consisting of five or more businesses and a min. of 200 feet of street frontage may have one additional freestanding sign not greater than 150 square feet. Industrial districts also allow one sign not greater than 150 square feet.

²Temporary signs and other exempt signs shall not count toward sign allotment for each business.

(g) Sign standards: R-1, R-2, R-3 districts.

Signs located in the R-1, R-2, or R-3 districts shall be limited in their size and placement according to the following regulations.

**Table 6. Maximum Sign Dimensions: Residential Zoning Districts
(R-1, R-2, R-3, R-4)**

SIGN TYPE	Residential Uses			Residential Projects ¹			Non-Residential Uses		
	Number	Sign Area (sq. ft.)	Height (ft.)	Number	Sign Area (sq. ft.)	Height (ft.)	Number	Sign Area (sq. ft.)	Height (ft.)
FREESTANDING SIGNS	1 per lot	2 sq. ft.	4 ft.	1 per site entrance	18 sq. ft.	4 ft.	1 per separate road frontage	24 sq. ft.	5 ft.
WALL SIGNS	1 per lot	2 sq. ft.	n/a	1 per street frontage	18 Sq. Ft.	n/a	1 per separate road frontage	24 sq. ft.	12 ft.

¹Includes subdivisions, multifamily buildings, and other types of residential projects built as a unified development.

(h) Temporary signs.

(1) Temporary signs four square feet or smaller may be erected or constructed without a permit in all zoning districts; however, all applicable code requirements in this chapter shall still apply.

(2) Temporary signs in business districts (B-1, B-2 and B-3). These signs shall be either freestanding signs, wall signs, or window signs, and may be displayed for up to 45 consecutive days. The zoning administrator may extend the time limit by up to 45 days upon application by the owner at the end of the initial 45-day period, if the applicant shows that the sign is maintained in sound condition and the purpose for it still pertains. Temporary freestanding signs, or wall signs, shall not exceed 12 square feet in area and four feet in height. Temporary window signs shall not obstruct more than 20 percent of the area of the window on which the sign is located.

(3) A-Frame signs in business districts (B-1 and B-2). These signs must not be more than an aggregate of 12 square feet or less in a sandwich board design as defined herein. The sign may only be displayed during business hours. The placement of the sign shall not impede pedestrian, wheelchair, or vehicular traffic flow. Signs must be placed to maintain at least four feet of clear passage between the edge of the sign and the curb and should not otherwise compromise public safety. Only one such sign is permitted per business, or one sign per 30 linear feet of sidewalk.

- (4) Temporary signs in residential districts (R-1, R-2 and R-3). These signs shall be either freestanding signs, wall signs, or window signs. Temporary signs shall not exceed 16 square feet in area total per property. No sign shall exceed six feet in height, except window signs. Window signs shall not obstruct more than 25 percent of the total area of all windows on each building façade on the property.
 - (5) Temporary signs required to be posted by law. Any such sign shall be removed the day after the last day for which it is required to be displayed. The administrator may require proof of legal requirement for the posting of the sign. These signs are permitted in all zoning districts.
- (i) General requirements for all signs.
- (1) Sign area computations. The surface area of any sign permitted under this article is determined by measuring the entire face of the sign including any wall work incidental to its decoration, but excluding support elements whose sole purpose and function is to support the sign, except as noted below:
 - a. The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.
 - b. Whenever one sign contains information on both sides, one side only shall be used in computing the surface area of the sign.
 - (2) Placement of signs. Signs shall be placed so they do not obstruct vehicles, pedestrians, or the signs of adjacent businesses.
 - (3) Lighting. No sign shall be illuminated in such a way that light may shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-3. Signs in I-1 and I-2 shall only be lit if the business is open at night.
 - (4) Substitution. Wherever this article permits a sign with commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, and construction.
- (j) Structural and maintenance requirements.
- (1) All signs shall be maintained in good condition and remain structurally safe. Any sign that has deteriorated to a state of peeling, cracking, splitting, fading, or rusting, is in violation of this ordinance and subject to enforcement.
- (k) Nonconforming signs.
- (1) Any sign lawfully in existence on the date of enactment of this article may be maintained even though it does not conform with the provisions of this article.
 - (2) The message of a nonconforming sign may be changed.
 - (3) No nonconforming sign may be enlarged or altered in such a manner as to expand the nonconformity, nor may illumination be added to any nonconforming sign.
 - (4) A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this article.
 - (5) A nonconforming sign destroyed by any cause may not be repaired, reconstructed or replaced except in conformity with this article. For the purposes of this section, a nonconforming sign is destroyed if damaged to an extent that the cost of repairing the sign to its former condition, or replacing it with an equivalent sign, equals or exceeds 50 percent of the appraised value of the sign so damaged.

- (6) A pre-existing sign must be removed if the structure, building or use to which it is accessory is destroyed, or demolished to an extent exceeding 50 percent of the appraised value of the principal structure, building or use.

(l) Enforcement.

(1) Violations.

- a. Violations of this article constitute violations of the zoning code and the town may obtain compliance through any of the methods available for other zoning violations.
- b. Removal of signs in violation. The zoning administrator may order the removal of any sign erected or maintained in violation of this article. He shall give 30 days' notice in writing to the owner of such sign or of the building, structure or premises on which such sign is located to remove the sign or to bring it into compliance with this article. The administrator may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public. Any surface exposed by the removal of a sign shall be restored to its original condition by the property owner and be compatible with adjacent surfaces.
- c. Removal of abandoned signs. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove such sign, the zoning administrator shall give the owner 30 days written notice to remove it. Upon failure to comply with this notice, the administrator or his duly authorized representative may remove the sign at cost to the property owner.

(m) Appeals.

Any person aggrieved by any decision or order of the zoning administrator may appeal to the board of zoning appeals by serving written notice to the administrator, who, in turn, shall immediately transmit the notice to the board, which shall meet to hear it within 30 days thereafter. The zoning administrator shall take no further action on the matter, pending the board's decision, except concerning unsafe signs which present an immediate and serious danger to the public, as provided above in (12) b.

Section 66-42. - Fences.

(a) Construction.

No fragile, readily flammable material such as paper, cloth or canvas shall constitute a part of any fence, nor shall any such material be employed as an adjunct or supplement to any fence.

(b) Placement.

- (1) No fence shall be constructed within two feet of any street line. In the case of corner lots in residential districts, within 25 feet from the intersection of the two street right-of-way lines, there shall be a sight triangle with no planting, fence or obstruction to vision (except street signs, utility poles or traffic signs) more than three feet high.
- (2) No fences shall be placed within the front yard areas except in the B-1 district where fences not to exceed three feet in height shall be allowed pursuant to the adopted Main Street guidelines.

(c) Height.

- (1) Fences shall not exceed a height of six feet as measured from the topmost point thereof to the ground or surface, along the centerline of the fence, in a business or residential zone. Additional restrictions apply to corner lots pursuant to (b) 1 above.
- (2) Fences surrounding industrial sites, public playgrounds, institutions, or schools may not exceed a height of 14 feet.

Section 66-43. - Landscaping, screening, and buffering.

(a) Purpose and intent.

The purpose of this section is to establish minimum standards for landscape architecture, site design, site buffering, streetscaping, and landscape screening. With the intent of preserving and promoting the health, safety, and general welfare of the town, these regulations are based on the following goals:

- (1) Preserve and enhance the aesthetic character of the town;
- (2) Protect the quality of the town's natural rivers, streams, and wetlands;
- (3) Improve the relationship between adjacent properties through screening and buffering;
and
- (4) Promote economic development in the town.

(b) Landscape plan requirements.

(1) A landscape plan shall:

- a. Be required in conjunction with any development project requiring site plan approval.
- b. Comply with the site plan requirements as specified in § 66-22(6).
- c. Be prepared and/or certified by a landscape architect, landscape nursery person, horticulturalist, or other design professional practicing within their area of competence; provided, however, that in the case of small development proposals involving less than five lots, the landscaping plan may be prepared by the property owner.
- d. Cover the entire project area included in the overall site plan or development plan for which approval is sought.

(2) A landscape plan shall include:

- a. Location and identification by size and name, both common and botanical, of all heritage, memorial or specimen trees in open areas on the site which are proposed to be disturbed. In wooded areas, the woodline before site preparation, average size, and predominant species of trees shall be noted, except that any heritage or memorial tree, within a wooded area proposed for clearing shall be individually located and identified by size and name, both botanical and common.
- b. Existing vegetation to be saved shall be indicated and noted accurately if credits for tree preservation are being proposed or claimed.
- c. Location, dimensions and area of all required buffer and landscape yards, including transitional areas.
- d. Location and description of other proposed landscape improvements such as earth berms, walls, fences, or paved areas, including notes and details to describe fully the methods and materials proposed.
- e. Plant list or schedule to include common and botanical name, quantity, spacing, and size at time of planting of all proposed plants.

- f. Locations and labels of all proposed plants.
 - g. Planting, installation details and tree protection details as necessary to ensure conformance with the standards set forth in this chapter.
 - h. Schedules or lists showing required and proposed quantities for landscape items required by this chapter.
- (3) The following factors shall be considered:
- a. Location of trees, shrubs, groundcovers, and other landscaping to utilize effectively the natural capacities of plant materials to intercept and absorb airborne and runoff-related pollutants, and to reduce runoff volume, velocity and peak flow increases caused by development.
 - b. Preservation and protection of existing viable and mature trees to the maximum extent feasible.
 - c. Appropriateness of plants and locations for the specific characteristics of the site and the purpose for installation.
 - d. A preference to designs and plant materials with reduced water needs.
 - e. An emphasis on landscaping in front of the principal building on the site and on providing appropriate breaks in parking and vehicular areas.
- (c) General requirements.
- (1) No site plan required under the terms of this chapter shall receive final approval unless a landscaping plan has been submitted and approved.
- (2) No certificate of zoning compliance or certificate of occupancy may be issued unless the following criteria are fully satisfied regarding the approved landscape plan:
- a. Such plan has been implemented on the site; or
 - b. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the town in a form acceptable to the town, and secured by a letter of credit, cash escrow or other instrument acceptable to the town in an amount equal to the cost of such installation plus a reasonable allowance for estimated administrative costs, inflation and potential damage to existing vegetation or improvements.
- (3) Maintenance of landscaping and screening. The property owner, or the owner's successors, shall be responsible for the maintenance of all landscaping, fencing and screening materials required by this chapter or under the terms of other development approvals and shown on an approved landscape plan. Failure to maintain such landscaping, fencing and screening shall be deemed a violation of this chapter.
- a. All plant material and planting areas required by this chapter or other development approval shall be tended and maintained in a healthy growing condition, replaced when necessary, and kept free of refuse, litter and debris. The replacement provision for landscaping shall apply only to plants that were required to be installed or that were awarded preservation credits as part of the site plan approval process.
 - b. All fences, walls and screening required by this chapter shall be maintained in good repair.
 - c. If any required landscaping material shown on the plan is subsequently replaced, the new material shall conform with the original approved landscape plan, or an approved amended plan, with respect to size and characteristics of the plantings. In

meeting the terms of this section, the replacement of mature trees which were counted toward the original landscape compliance shall be with trees of a similar species and of a size that meets the standards for new installations.

- d. Landscaping shall not obstruct the view of motorists using any street, private driveway, parking isles, or the approach to any street intersection so as to constitute a traffic hazard or a condition dangerous to the public safety.

(d) Design standards

(1) Layout and design standards. Except as may be otherwise required by this article, the following layout and design standards shall apply to all landscape plans:

- a. Tree canopy shall be provided pursuant to chapter 50.
- b. In all developments of five acres or where more than 20 trees are required under this code, all trees installed to meet the requirements of this chapter shall be comprised of a combination of tree types. The town council may approve alternate plans if, in their judgment such plan would improve the overall appearance and quality of the development.
- c. All trees installed to meet the requirements of this chapter should be dispersed throughout the required planting areas, should be planted with a combination of single trees and groups of trees in a staggered, clustered or other pattern designed to complement the building and site design and promote appropriate views and sight lines. Trees shall not be installed in a continuous single row except where necessary and appropriate to meet screening or transitional buffer requirements. All trees should be planted to provide that their estimated radius at 20 years of age will not extend beyond the property line.
- d. Shrubs, perennials and ornamental grasses installed to meet the requirements of this chapter should be installed in groupings and integrated with trees.
- e. Existing vegetation which is suitable for use in the landscape shall be preserved and used as required plantings to the maximum extent practicable. In no case shall any viable mature, heritage, memorial, specimen, or significant tree be removed from any buffer area or landscape preservation easement except to accommodate necessary entrances or utility service to the site which cannot be relocated in an appropriate manner or where such preservation would create or perpetuate demonstrable public health, safety or welfare hazards.
- f. Impervious surface area should be limited to the minimum amount necessary to accommodate the desired development and ensure appropriate levels of parking, traffic safety and on-site circulation. The zoning administrator may require plan modifications which reduce the amount of impervious surface area without inhibiting site development and operation.
- g. Modifications of the layout and design standards contained herein may be approved by the zoning administrator upon a determination that the following conditions exist:
 - (i) The proposed layout and design further a readily discernible theme or complement the architectural style of the structures on site. The lining of an entrance road or driveway with trees of the same species in straight lines parallel to the road or driveway in an attempt to further a colonial or antebellum theme expressed in the architecture of the buildings or the use of

- massed ornamental plantings to highlight or complement a unique architectural or natural feature are examples.
- (ii) The proposed layout and design provide landscaping which will have the same or similar screening impact, intensity or variation throughout the year when viewed from adjacent properties or rights-of-way as that which would be required by strict interpretation of the standards contained in this subsection.
 - (iii) The proposed layout and design fully integrate and complement the existing trees to be preserved on the site.
- (h) Any trees or shrubs installed or preserved on the site which exceed the minimum numerical requirements of this chapter shall not be subject to the species mixture, locational, maintenance or replacement requirements contained herein.
- (2) Standards for berms and earth forms. All berms and earth forms required or otherwise proposed for use shall conform with the following standards:
- a. Design should include physical variations in height and alignment.
 - b. Landscape plant material installed on berms and earth forms should be arranged in an irregular pattern to accentuate variation and achieve a natural appearance.
 - c. Location and design shall minimize disturbance to existing trees located on the site or adjacent thereto.
- (3) Site triangle standards.
- a. Fences, walls, gateways, ornamental structures, hedges, shrubbery, and other structures and plantings for all corner lots shall not obstruct the vision of intersecting streets, and shall be limited to a height of not over three feet above the established elevation of the nearest curb, or in the absence of a curb, the centerline of the road for a distance of 25 feet along an area within the triangle formed by the 25 foot distances.
 - b. The corners of parking lots, parking islands, and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees.
- (4) Landscape yard standards. All proposed new developments shall include landscape yards as specified in the section of this code applicable to the zone in which the development is located, in order to facilitate adequate control and management of stormwater runoff and of nonpoint source pollution as well as to enhance the aesthetics of the project.
- a. The minimum dimensions of landscape yards around the site perimeter shall be as prescribed in the section of this code applicable to the respective zoning of the subject property. Landscape yards, as required herein, may include driveways providing access to other parcels in an effort to promote unified project design.
 - b. The zoning administrator may approve the transfer of up to 50 percent of the required landscape yard located behind the rear of the site's principal building to the area in front of the site's principal building provided that all of the following conditions are met:
 - (i) No remaining landscape yard shall be less than 5 feet in width.
 - (ii) The total amount of landscaped open space on the site is not less than it would be without the transfer.
 - c. Landscape yards shall be landscaped with trees, shrubs, bushes, plant material, and ground cover in accordance with the provisions of this chapter. If transfers have

occurred, the transferred area shall be landscaped in accordance with the requirements for the area from where it was transferred.

- (5) Tree protection standards.
 - a. Trees which are to be preserved on site shall be protected before, during, and after the development process utilizing accepted practices. At minimum, the tree protection practices set out in the Virginia Erosion and Sediment Control Handbook, as amended, shall be utilized.
 - b. Trees selected for preservation in order to obtain landscaping credits shall be shown on the landscape plan and clearly marked in the field. In woodland areas, groups of trees shall be selected for preservation rather than single trees wherever possible.
 - c. Trees and groups of trees which are to be preserved shall be enclosed by a temporary fence or barrier to be located and maintained five feet outside of their dripline during construction. Such a fence or barrier shall be installed prior to clearing or construction, shall be sufficient to prevent intrusion into the fenced area during construction, and in no case shall materials, vehicles or equipment be stored or stockpiled within the enclosure. Within the fenced area, the topsoil layer shall not be disturbed except in accordance with accepted tree protection practices.
 - d. The developer shall be responsible for notifying all construction personnel of the presence and purpose of clearing limits and protective fences or barriers and for ensuring that they are observed.
 - e. Where grade changes in excess of six inches from the existing natural grade level are necessary, permanent protective structures such as tree wells or walls shall be properly installed.
 - (6) Tree preservation standards. In determining which trees shall be preserved during the development process, consideration shall be given to preserving trees which:
 - a. Are heritage, memorial, significant, and specimen trees;
 - b. Complement the project design including the enhancement of the architecture and streetscape appearance;
 - c. Can tolerate environmental changes to be caused by development (i.e., increased sunlight, heat, wind, and alteration of water regime);
 - d. Have strong branching and rooting patterns;
 - e. Are disease and insect resistant;
 - f. Complement or do not conflict with stormwater management and best management practice designs;
 - g. Are located in required buffer areas;
 - h. Exist in natural groupings, including islands of trees;
 - i. Do not conflict with necessary utility, structure, parking area, roadway, or sidewalk placements; and
 - j. Have been recommended by the commonwealth department of forestry, the county cooperative extension service or a qualified arborist or urban forester for preservation.
- (e) Plant standards.
- (1) Source standards. All plant materials installed on a site shall have been grown in conformance with the American Standard for Nursery Stock. Plant material shall be of standard quality or better, true to name and type of their species or variety. Provided, however, that the zoning administrator may approve, in writing, the transplanting of trees or shrubs when such transplanting is done in accordance with accepted horticultural and silvicultural practices.

- (2) Species standards. All required landscape plant material proposed to be installed on the site shall be selected from the appropriate listing of recommended plant material contained in tables 1 through 7 in appendix A to this chapter and shall be of the minimum sizes noted; provided, however, that alternative species may be used, upon certification by a certified landscape architect, landscape nurseryman or horticulturalist that said species have a rated hardiness and growth habit appropriate for the intended location. Particular attention shall be given to selecting trees and shrubs based on the area in which they will be installed (e.g., landscaped yards, parking areas, adjacent to buildings, etc.) and the lists contained in appendix A to this chapter will assist in the selection and review of a landscaping design. In addition, landscaping shall be selected and arranged with appropriate attention to future growth and maturity in order to accommodate visibility, safety and aesthetic considerations without need for future severe pruning or removal.
 - (3) Planting. Landscape plant materials shall be planted in accordance with either the standardized landscape specifications adopted by the state nurserymen's association, the state society of landscape designers or the state chapter of the American Society of Landscape Architects.
- (f) Requirements in residential districts (R-1, R-2, and R-3).
- (1) Screening and landscaping.
 - a. All lot lines of all nonresidential uses that abut a residential property or residential district, which include but are not limited to nursing homes, townhouses, apartments, and all parking areas of schools and churches that abut any residential property or residential district, shall provide an evergreen vegetated buffer or fence, wall or enclosure of a suitable solid material, uniform throughout, of a height of six feet. If an evergreen vegetated buffer is used, all buffer strips of evergreen vegetation shall be a minimum of six feet in height. All screening and buffer strips must be of sufficient density to screen the site from adjoining residential properties and residential districts.
 - b. On single existing lots or subdivisions totaling three lots or less, a minimum of 20 landscape plantings shall be provided on each individual lot consisting of enough one-inch caliper trees adequate to meet the appropriate tree canopy regulation and 50 percent of the balance of the plantings greater than one-gallon containers. The remainder of the shrubs may be one gallon or smaller containers at the time of planting.
- (g) Requirements for business districts (B-1, B-2, and TND-C).
- (1) Open spaces in the B-1 and B-2 districts.
 - a. Open spaces shall be relative in scale, use and character with their surrounding neighborhoods. Existing sound buildings should not be demolished to create open space, but opportunities to add open space should be pursued. Open space shall be designated on the final site plan.
 - b. All open space areas shall be kept in a clean, attractive and safe condition. All open space areas shall be kept open to the residents or occupants this open space is intended to serve.

(2) Screening and buffering.

a. Generally.

- (i) Screening, where required, shall be visually opaque and constructed of a durable material. It shall be installed within a required buffer yard and shall be continuously maintained to meet the intent of this section.
- (ii) Acceptable screening materials include fences, decorative masonry walls, brick walls, and earth berms. Alternative materials may be approved if, in the opinion of the administrator, their characteristics and design meet the intent and standards of this section. Chain link fencing shall not be used.
- (iii) If evergreen trees, evergreen hedges, or other types of year-round plants are used, a landscaped area shall be provided at least five feet in width along the entire interior lot lines.
- (iv) When located in or adjacent to a residential area, the external appearance and arrangement of screening shall be of a form, character, appearance, and arrangement fully compatible with the residential area.
- (v) The landscape buffers required in this article shall contain living plants (i.e., trees, shrubs, ground covers or grass), natural features (i.e., rock, stone, bark chips, wood shavings or land contouring) and/or structural features (i.e., walls, pedestrian walkways, night lighting, street furnishings) and shall be designed and provided in accordance with the comprehensive plan and the criteria in the main street guidelines .

b. Specific standards.

- (i) All property lines abutting a residential district or use shall have a fence, wall or enclosure of a suitable solid material, uniform throughout, to a height of six feet, unless natural evergreen hedges or evergreen wooded areas are used as buffer strips. All buffer strips of evergreen vegetation must be a minimum of six feet in height at the time of installation. All screening and buffer strips must be of density to screen the site from adjoining residential and agricultural districts.
- (ii) A buffer yard of not less than ten feet shall be required for all commercial uses which are located adjoining or across an alley from any residentially zoned district. The buffer yard area required for any zoning lot in a commercial district shall be maintained as planted or landscaped area only. Parking, storage, refuse containers, or other, accessory or otherwise, shall not be located within any required transitional buffer yard. Such buffer yards shall extend the entire length of the abutting residential zoning district.
- (iii) A 20-foot-wide landscape buffer shall be provided along public street frontages where a new nonresidential use abuts an existing or approved residential use.
- (iv) Outdoor Storage. Open storage areas and exposed machinery shall be visually screened from roads and surrounding land uses. Screening shall be of an appropriate height and thickness, such as a fence or hedge, to block views into the area. It shall also be of a traditional style that is comparable with ones existing in the district.
- (v) Utility/mechanical units and machinery. Heating, ventilating and air conditioning equipment, duct work, air compressors, other fixed operating machinery shall be either screened from view or located so that such items are not visible from the road. Utility meters, aboveground tanks, satellite dishes, antennas, etc., shall be similarly located or screened.

(3) Parking lots landscaping.

- a. Parking lot landscaping shall be provided for all parking lots with 20 or more spaces. Landscaping plans for shall be prepared by a state-certified landscape architect.
- b. A minimum 20-foot landscape yard shall be provided along all public street frontages.
- c. A minimum ten-foot landscape yard shall be provided around those portions of the perimeter of the site that do not front a public street. Along all public street frontages, the front facades of buildings must face the street, with a sidewalk between the building and the street, and no parking areas between the building and the street. Council may grant a modification to this requirement only in cases where it is necessary to have a side yard or rear yard with parking fronting the street, in order to meet the minimum parking requirements, in which case landscape yards shall:
 - (i) Be expanded to 25 feet and shall be landscaped with an appropriate combination of low-growing trees and shrubs to screen direct views of parking areas, but not necessarily the business itself from adjacent public streets.
 - (ii) Deciduous trees shall be spaced every 25 linear feet, to be measured along the property line, in the planting areas with a minimum of three evergreen shrubs, planted on center, which attain a minimum height of three feet at maturity, planted between.
- d. There shall be at least one deciduous tree for every eight parking spaces when a site plan indicates 20 parking spaces or larger. Such trees shall be planted within or directly abutting the parking areas.
 - (i) An unpaved planting area with a minimum dimension of nine feet in width or ten feet in length shall surround each such tree.
 - (ii) Landscaping required under the provisions of this section shall be arranged in keeping with good landscape planning practice and in the manner, which will best promote the purposes of this article.
 - (iii) All end islands of parking rows, corners of parking lots, and all areas not otherwise used for ingress, egress, aisles, or parking shall be landscaped.
 - (iv) The primary landscaping materials used in parking lots shall be deciduous trees which can provide shade at maturity. Shrubbery, hedges and other live plant materials are to be used to complement the tree landscaping. Effective use of berms and existing topography is also encouraged as a component of the landscape plan.
 - (v) All interior planting areas shall be protected from vehicle intrusion by a permanent barrier not less than four nor more than eight inches high.
 - (vi) In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if approved as meeting the landscaping requirements of this section.

(4) Street trees.

- a. Street trees shall be required in the B-1, B-2 and TND-C districts.
- b. In the B-1 and TND-C districts, street trees shall be placed every 30 feet on center along both sides of the street. Trees shall be placed a minimum of five feet away from the sidewalk and have a tree pit larger than five feet by five feet.
- c. In the B-2 district, trees shall be placed every 120 feet along both sides of the street. Trees shall be placed a minimum of ten feet away from the pavement edge.

- d. Trees shall be selected so that they are resilient to pollution and drought, do not produce berries or fruit and have deep root growth so they do not upheave the sidewalks or planters. Suggested trees include amur maples, serviceberry cultivars or washington hawthorns.
 - e. Tree plant shall be a minimum of three-inch caliper and meet the specifications of the American Association of Nurserymen.
 - f. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the state nurserymen's association, the state society of landscape designers and the state chapter of the American Society of Landscape Architects, or the road and bridge specifications of the state department of transportation.
 - g. Installation of landscape materials shall be done during the appropriate planting season. The appropriate planting season for ball and burlap stock shall be between October 15 and March 31 and the appropriate planting season for container grown nursery stock shall be between September 15 and May 15.
 - h. Street trees shall be "limbed up" so as to not interfere with pedestrian or vehicle travel (minimum seven feet clear over the sidewalk and 14 feet over the travel lanes of the street).
- (h) Requirements for Industrial Districts (I-1 and I-2).
- (1) Screening and buffering.
 - a. Generally.
 - (i) The primary landscaping materials used within parking lots will be deciduous/canopy trees. Shrubs and other live planting materials may be used to complement the tree landscaping.
 - (ii) Landscaping areas within the parking lot shall be reasonably dispersed and shall have a minimum width of six feet, measured from the back of curb. There shall be a curbed landscape island at the end of each row of parking, equal in length to the adjoining parking space.
 - (iii) There shall be one canopy tree per required landscape island. Where more than one island is combined in a linear configuration, canopy trees shall be provided at a minimum equal to the number of required landscape islands.
 - (iv) Any parking lot, except a single bay parking lot of 20 spaces or less, shall be provided with a landscaped open space along the perimeter of the parking areas with the minimum amount of one canopy/deciduous tree per ten spaces. No parking space may be more than 80 feet from a portion of the landscaped open space or a canopy tree.
 - (v) Except as otherwise stated in this article, a landscaping strip ten feet in width, exclusive of a required sidewalk or trail, shall be located between the parking lot and right-of-way line.
 - (vi) The interior dimensions of any planting area shall protect all landscaping materials; a landscape island shall be protected with a six-inch curb minimum.
 - (vii) Areas used principally for the storage of vehicles do not require interior islands if such areas are screened from adjacent properties and public streets.
 - (viii) Where fences or walls are visible from public streets, a combination of trees, hedges, shrubs, and vines should be planted along the street-facing side. Fences should be located behind property setbacks.

- (ix) Site planning shall protect and incorporate scenic views, ridgelines, stream corridors, karst features, and mature trees.
 - (x) Areas used for service and loading, refuse, storage, and equipment should be screened with a combination of walls and landscaping.
 - (xi) Where a parking area abuts a residential area, it shall include landscaped buffers or walls along property lines to provide adequate screening. Landscape buffer strips shall be planted with trees at a quantity equivalent to one for each 30 linear feet and with suitable shrubs, groundcovers, and berms.
 - (xii) All screening materials shall be compatible with the architecture, materials, and colors of the building. The use of barbed wire on any fence or wall is prohibited unless permitted by a special use permit.
 - (xiii) Additional or new equipment, including electrical rooms, shall be screened.
 - (xiv) Not less than 50 percent of a required front yard shall be landscaped. Within this landscaping, one deciduous or evergreen tree shall be planted every 30 linear feet along the public street right-of-way. In addition, one evergreen shrub shall be placed in the planting strip every five linear feet, or a planting plan pursuant to § 66-43(2), whichever is greater.
- b. Screening and buffer areas in the I-1 District.
- (i) Not less than 20 percent of the total lot area shall be landscaped. The plans and execution of landscaping shall be done to avoid the creation of any traffic hazards.
 - (ii) Parking lots shall provide landscape islands at a ratio of one per 20 parking stalls. Planters shall be dispersed throughout the parking area.
 - (iii) A buffer yard of not less than 50 feet shall be required for all industrial uses which are located adjoining, adjacent to or across an alley from any residentially or agriculturally zoned district. The buffer yard required for any zoning lot in an industrial district shall be maintained as a planted or landscaped area only. Access drives, parking, storage, refuse containers, or other structures, accessory or otherwise, shall not be located within any transitional buffer yard. Such buffer yards shall extend the entire length of the abutting residential zoning district. There shall be opaque fencing or landscaping, not less than six feet in height, installed along the entire length of the abutting residential zone district, except for the depth of a required front or corner side yard in the residential zoning district.
- c. Screening and buffer areas in the I-2 District.
- (i) Not less than 15 percent of the total lot area shall be landscaped. The plans and execution of landscaping shall be done to avoid the creation of any traffic hazards.
 - (ii) Parking lots shall provide landscape islands at a ratio of one per every 50 parking stalls.
 - (iii) A buffer yard of not less than 50 feet shall be required for all industrial uses which abut a residential or agriculture district. The buffer yard required for any zoning lot in an industrial district shall be maintained as a planted or landscaped area. Access drives, parking, storage, refuse containers or other structures, accessory or otherwise, shall not be located within any transitional buffer yard. Such buffer yards shall extend the entire length of the abutting residential district. There shall be opaque fencing or landscaping, not less than six feet in

height, installed along the entire length of the abutting residential district, except for the depth of a required front or corner side yard in the residential district.

Section 66-44. - Lighting.

(a) Generally.

- (1) Except as exempted in subsection (a)(2) of this section, all outdoor lighting in excess of 3,000 initial lumens associated with land use and development proposals, whether new uses or changes and modifications in existing uses, shall be designed, installed and maintained to prevent unreasonable or objectionable glare onto adjacent rights-of-way and properties and shall incorporate the use of full cutoff luminaires/fixtures. The lighting standards established by the Illuminating Engineering Society of North America (IESNA) shall be used to determine the appropriate lighting fixture and luminaires for such uses. High-pressure sodium or metal halide lights shall be the preferred type of exterior site lighting. The use of mercury vapor lights shall be discouraged in any exterior lighting applications, except for under-canopy lighting for gasoline pump islands, bank or other drive-through or drive-in facilities.
- (2) The following outdoor lighting applications shall be exempt from these requirements:
 - a. Construction, agricultural, emergency, or holiday decorative lighting of a temporary nature.
 - b. Lighting of the United States of America, commonwealth, county, or town flags and other noncommercial flags.
 - c. Security lighting controlled by sensors which provide illumination for 15 minutes or less.
 - d. The replacement of an inoperable lamp or component which is in a luminaire that was installed prior to the effective date of the ordinance from which this section is derived.
 - e. The replacement of a failed or damaged luminaire which is one of a matching group serving a common function.
- (3) In addition to the exemptions noted in subsection (a)(2) of this section, the zoning administrator may approve a modification of the full cutoff luminaire requirements in either of the following circumstances:
 - a. Upon finding that alternatives proposed by the owner would satisfy the purposes of these outdoor lighting regulations at least to an equivalent degree; or
 - b. Upon finding that the outdoor luminaire or system of outdoor luminaires required for a baseball, softball, football, soccer, or other athletic field cannot reasonably comply with the standard and provide illumination of the field for its safe use.
- (4) Freestanding lighting fixtures shall conform to the town's adopted main street guidelines.

(b) Requirements in the B-3 district.

Lighting for buildings, signs, accessways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property owners or residents.

(c) Requirements in the I-1 and I-2 districts.

- (1) Lighting fixtures should be placed to provide illumination for outdoor areas. Lighting shall be provided with ground-level foot-candle illumination levels not varying by more than eight foot-candles.
- (2) Illumination to a minimum maintained one foot-candle shall be provided at steps, ramps, and other potentially hazardous grade differentials.

- (3) Exterior doorways and entries shall be fully illuminated to a minimum of one foot-candle over the entire face and frame of the opening.
- (4) All lighting fixtures shall be installed, directed, and shielded to confine direct illumination within the property. The type and location of lighting shall preclude direct glare onto adjoining property, streets, or skyward.
- (5) Lighting fixtures should emulate natural light (soft white light).
- (6) Animated lighting is not permitted.
- (7) Parking lot lighting shall be placed in a manner that does not conflict with the growth of trees and required landscaping.
- (8) Energy conservation shall be considered when selecting lighting fixtures for a development project.

Section 66-45. - Off-street parking.

(a) Intent.

- (1) The purpose of this section is to regulate the design, location and maintenance of parking areas, to meet the expanding needs of a growing town, and to furnish adequate facilities to satisfy those who live, shop and work within the town.
- (2) It is the intent of this section to have adequate parking designed and constructed during the erection of all new structures and the modifications to existing structures.
- (3) These parking areas are to be designed for the convenience of all who use them and shall be located to improve traffic flow, promote traffic safety and add to the beautification of the Town.

(b) Generally.

- (1) Factors considered during review include but are not limited to: the number and location of entrances and travel aisles, the need for turning lanes and other traffic control improvements, arrangement of parking and loading areas, quality and quantity of landscaping, access to buildings for fire and other emergency vehicles and the needs of the handicapped.
- (2) Off-street parking required by this chapter shall only occur on an all-weather driving surface.
- (3) There shall be provided, at the time of the erection of any principal building or structure or at the time any principal building or structure is altered, enlarged or increased in capacity by adding dwelling units, guest rooms, floor areas or seats, not less than the amounts of parking space given in subparagraph (h) Schedule of required spaces (Table 7 – Minimum Off-Street Parking Requirements). Such space shall be maintained and shall not be encroached upon so long as such principal building or structure remains, unless an equivalent number of such spaces is provided elsewhere in conformance with the article.
- (4) Loading space, as required in subparagraph (j) Off-street loading, shall not be construed as supplying off-street parking space.

(c) Location in relation to use.

The parking spaces required shall be located on the same lot as is the principal use; provided, however, that upon the recommendation of the planning commission and made part of a special use permit by the council, a portion of required off-street parking for uses in districts other than residential may be located in a remote parking lot which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to

- satisfy this requirement shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article.
- (d) Reduction.
- (1) Off-street parking space required under this article may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be to a level below the standards set forth in this article.
 - (2) Minimum off-street parking space may be reduced by council by allowing on-street parking contiguous to the property to count for a portion of the parking requirement on a one-to-one basis.
- (e) Joint use of spaces.
- (1) Religious assembly. Parking spaces already provided to meet off-street parking requirements for theaters, stadiums, auditoriums and other places of assembly, stores, office buildings and industrial establishments, lying within 500 feet of a church, as measured along lines of public access, that are not normally used between the hours of 6:00 a.m. and 6:00 p.m. on Sundays and that are made available for other parking may be used to meet not more than 75% of the off-street parking requirements of a religious assembly.
 - (2) Other places of assembly. Parking spaces already provided to meet off-street parking requirements for stores, office buildings and industrial establishments, lying within 500 feet of a place of assembly, as measured along lines of public access, that are not normally in use between the hours of 6:00 p.m. and 12:00 midnight and that are made available for other parking may be used to meet not more than 50% of the total requirements of parking space.
 - (3) In the case of mixed or joint uses of a building or premises having different peak parking demands, the parking spaces required may be reduced if approved by the zoning administrator in conjunction with site plan approval. In such instances, the applicants shall demonstrate that the periods of peak use are separated and shared parking spaces are available to all uses sharing them, so as to not cause a parking demand problem.
 - (4) In the case of mixed or joint uses of a building or premises having the same peak parking demands, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
 - (5) Any use in the B-1 district may be exempted or granted reduced parking requirements by the zoning administrator in conjunction with site plan approval. The applicant shall demonstrate public parking availability during peak hours of operation.
- (f) Design standards.
- (1) Area. One parking space shall be 162 square feet (nine feet by 18 feet).
 - (2) Surfacing.
 - a. Off-street parking shall not be located in a required yard or near the front entrance of a structure unless an improved dustless surface is provided as approved by the town.

- b. Within the B-1 district, depending on the site's topography and conditions, the zoning administrator may require that off-street parking areas for commercial uses with three or more vehicles be surfaced with a properly bound permeable surface, interlocking pavers, or an erosion-proof asphaltic, bituminous, cement, or other properly bound pavement.
 - c. Within the B-1 district, depending on the site's topography and conditions, the zoning administrator may require that off-street parking areas for residential uses with three or more vehicles be surfaced with pea gravel or other dustless surface.
- (3) Drainage and maintenance.
Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys. Off-street parking areas shall be maintained in a clean, orderly and, to the extent possible, dust-free condition at the expense of the owner or lessee and not used for the sale, repair, or dismantling or servicing of any vehicles, equipment, materials, or supplies.
- (4) Separation from walkways and streets.
Off-street parking spaces shall be separated from walkways, sidewalks, streets, or alleys by a wall, fence, or curbing or other approved protective device, or by distance, so that vehicles cannot protrude over publicly owned areas.
- (5) Location on property.
- a. In a B-1 district, no parking space or loading area shall be located nearer the front lot line than the front façade of the main building. For corner lots, no parking space or loading area shall be located nearer the front lot line nor the side lot line along the street than the facades of the main building. If all parking spaces are located behind the rear façade of the main building, a ten percent reduction in total off-street parking will be permitted.
 - b. In the I-1 and I-2 district, no parking space or loading area shall be located within 25 feet of any lot line.
 - c. Except for single-family dwellings, parking spaces shall be at least three feet from a property line and not less than 25 feet from residential properties.
- (6) Entrances and exits.
- a. The location and design of entrances and exits shall meet the VDOT traffic safety and design standards. In general, there shall not be more than one entrance and one exit or one combined entrance and exit along any one street.
 - b. Main entrances to parking lots shall be clearly marked.
- (7) Interior drives and aisles.
- a. Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces, except that no driveway shall be less than eight feet in width. Rear access roads or driveways shall be shared between parcels.
 - b. Dead-end aisles are not permitted.
 - c. Parking and travel aisles shall be designed to ensure adequate space for vehicle maneuvering, promote efficient traffic circulation, reduce conflicts between vehicular and pedestrian traffic, and minimize impact upon the surrounding land uses.
 - d. Interior accessways shall be designed to prevent the blocking of vehicles entering or leaving the site.
 - e. Travel aisles shall be aligned with one another, not offset.
- (8) Marking.

Parking spaces in lots of more than 10 spaces shall be marked by painted lines or curbs or other means to indicate individual spaces. Signs or markers shall be used to ensure efficient traffic operation on the lot.

(9) Lighting.

Adequate lighting shall be provided if off-street parking spaces are to be used at night. The lighting shall be arranged and installed to minimize glare on property in a residential district.

(10) Screening/landscaping.

a. All screening and landscaping shall be provided as required in § 66-43.

b. No parking area of 20 or more spaces shall be constructed or enlarged until a landscape plan for that parking area has been approved by the zoning administrator.

(11) Shopping cart storage.

Establishments furnishing carts or mobile baskets shall provide specific, limited areas on the site for the storage of such carts. Storage areas shall be clearly marked and shall be designed solely for the storage of shopping carts and/or mobile baskets. Such storage areas shall not be located within vehicle travel ways, vehicle loading areas or parking spaces, and shall not create visual barriers to motor vehicle movements.

(g) Obligations of owner.

(1) The requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate on which any structure or use is located as long as such structure or use is in existence and its use, requiring vehicle parking or vehicle loading facilities, continues. It shall be unlawful for the owner of any structure or use affected by this article to discontinue, change or dispense with or to cause the discontinuance or change of the required vehicle parking or loading space, apart from the alternate vehicle parking or loading space which meets with the requirements of and is in compliance with this article. It shall be unlawful for any firm or corporation to use such structure without acquiring such land or other suitable land for vehicle parking or loading space which meets the requirements of and is in compliance with this chapter.

(2) Whenever off-street parking is required and cannot be provided within the principal structure or on the same lot as the principal structure and is located on another parcel of property, as permitted by this article, such parcel of property provided and utilized for off-street parking shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article.

(h) Schedule of required spaces.

Off-street parking shall be provided according to the following schedule. Where application of the schedule creates a fractional number of spaces, the parking spaces required shall be construed to be the next highest whole number.

Table 7. Minimum Off-Street Parking Requirements	
Use	Parking Spaces Required
Assemblies (public and religious); club; and civic use	1 for each 6 seats or 10 feet of benches or pews, based on fixed seating capacity in the main place of assembly therein; 1 for each 100 square feet of assembly floor space in buildings without fixed seating
Automobile and commercial vehicle repair service, car washes, and convenience stores	3 for each bay, stall, rack or pit, plus 1 for each gasoline pump; minimum 5 spaces
Automobile and equipment sales lots, rental/leasing	1 customer vehicle space for each 500 square feet of building floor space
Bed-and-breakfast and short-term rental business	1 for each sleeping room in addition to parking spaces required for permanent residents of the building
Brewery, Distillery, Winery	1 for each 150 square foot of food/beverage preparation and consumption area, plus 1 per 800 square feet of operations
Commercial indoor amusement	1 space for each 3 persons based on maximum occupancy, plus 1 space per employee on largest shift
Commercial indoor entertainment	1 space for each 3 seats or similar accommodations, plus 1 space per 2 employees on largest shift
Commercial sports and recreation	1 space for each 3 persons based on maximum occupancy load, plus 1 space per employee on largest shift
Day care center	1 for each 300 square feet
Educational facility, Primary/Secondary/High	1 for each employee on largest shift, plus 1 space for each 4 seats in the largest assembly room
Elder care facility	1 for every 2 beds
Family home day care	1 plus residential requirement
Financial institution	1 for each 250 square feet, plus 4 stacking spaces per service window
Funeral parlor or homes and undertaking establishments	1 for each 150 square feet of floor space of assembly rooms used for service
Garden center	1 for each 300 square feet
Greenhouse, commercial	1 per employee, plus 1 for each 1,200 square feet
Home occupation, class A	2 plus residential requirement
Home occupation, class B	4 plus residential requirement
Hospitals	1 for every 2 beds
Hotels	1 for each guest room or resident unit, plus required parking for any restaurant or assembly space
Kennel	1 for each 400 square feet
Laundry, commercial	1 for each 500 square feet
Light Industrial	1 for each employee, based on estimated maximum daily or maximum 8-hour shift requirements in a 24-hour period
Medical office/clinic	1 for each 200 square feet
Mini-warehouse	3 plus 1 per 100 units
Multi-family dwelling and group home	1.5 for each dwelling unit or 1 per bedroom, whichever is greater
Offices, general	1 for each 250 square feet

Table 7. Minimum Off-Street Parking Requirements	
Use	Parking Spaces Required
Personal services; personal improvement services	1 for each 500 square feet
Restaurants, general	1 for each 150 square feet of floor space, including outside seating
Restaurants, drive-in	1 for each 150 square feet of dining area, plus a minimum of 6 stacking spaces behind the order speaker
Shelter	1 for each 2 residents
Shopping center	Less than 20,000 square feet: 1 per 200 square feet; 20,000 to 50,000 square feet: 1 per 250 square feet; greater than 50,000 square feet: 1 per 300 square feet, Parking demands for restaurants and theaters located within the center will be calculated separately
Single-family dwellings, two-family dwellings, accessory dwellings and Townhouses	2 for each dwelling unit; 1 for each accessory dwelling
Store, general	1 for each 250 square feet
Veterinary hospital	1 for each 400 square feet
Warehouses and wholesale sales	1 for each 1,250 square feet

- (i) Interpretation of specific requirements.
 - (1) The requirements of this section are in addition to space for storage of trucks, campers, recreational vehicles, or other similar vehicles used in connection with any use.
 - (2) The parking requirements in this article do not limit special requirements which may be imposed in connection with uses permitted by approval of a special use or special exception.
 - (3) The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.
 - (4) Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this article for an increase in parking spaces of ten percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent or more.

- (j) Off-street loading.
 - (1) On the same premises with every building or structure or part thereof erected and occupied for manufacturing, storage, warehousing, goods display, or as a department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry-cleaning establishment, or other use similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate

space for standing, turning, loading and unloading services, in order to avoid interference with public use of the streets and alleys.

- (2) Loading operations shall be conducted within a building or, if outdoors, shall be conducted at the side or rear of buildings and screened from general public view from public rights-of-way or adjoining properties of equal or lower use intensity by landscaping, fencing, or similar arrangements.
- (3) Such loading and unloading space, unless otherwise adequately provided for, shall be an area 12 feet by 45 feet, with fifteen-foot height clearance, and shall be provided according to the following schedule:

Table 8. Minimum Loading Requirements	
Gross Floor Area (square feet)	Loading and Unloading Spaces Required in Terms of Usable Floor Area
0 to 1,400	None
1,401 to 20,000	1 space
20,001 to 100,000	1 space, plus 1 space for each 20,000 square feet
100,001 to 500,000	5 spaces, plus 1 space for each 40,000 square feet in excess of 100,000 square feet
Over 500,000	15 spaces, plus 1 space for each 80,000 square feet

Section 66-46. - Utilities and facilities.

(a) Drainage Facilities.

- (1) All storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The systems shall ensure drainage away from buildings and on-site waste disposal sites and prevent excess flow of water across streets or adjoining properties. The council may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties and must be approved by the town.
- (2) All provisions of the state, county and town ordinances and regulations regarding stormwater drainage shall be complied with.

(b) Utilities.

- (1) All utilities, such as gas lines and electrical and telephone systems, being placed in flood prone areas should be located, elevated (where possible) and constructed to minimize the chance of impairment during a flooding occurrence. All on-site utilities or utility facilities not in flood prone areas shall be installed underground, including electrical, water, sewer, power, gas, telephone, and cable utilities, except for transmission powerlines of 50 kilovolts or greater, temporary facilities in conjunction with an authorized construction project, water towers, or other installations approved by the council.
- (2) The council may grant an exception to place utilities along rear property lines of lots facing Main Street.
- (3) All utilities shall be placed within easements or public street rights-of-way.
- (4) Utility equipment installed at ground level, including transformers, pedestals, switch gear, and other similar types of equipment which is visible from a public right-of-way

shall be screened from view by appropriate evergreen shrubs planted in accordance with a landscape plan approved by the zoning administrator.

- (5) All rooftop equipment shall be screened in building materials that are visually compatible with the structure.
- (6) Whenever any existing on-site aboveground utilities require relocation for any reason, they shall be removed and placed under ground. In the event a development project impacts existing off-site aboveground utilities and necessitates their relocation onto the development site, such utilities shall be placed under ground.
- (7) Existing utilities located above ground may be maintained or repaired provided that such repair does not involve relocation or expansion.

(c) Streets and sidewalks.

(1) Generally

- a. All new developments in the R-2, R-3, B-1, B-2, B-3, and TND-C districts require the construction of sidewalks, including curb and gutter.
- b. Streets and sidewalks should be designed to minimize their potential for increasing and aggravating the levels of flood flow. Drainage openings shall be required to discharge flood flows without unduly increasing flood heights.
- c. Widening of streets and highways.
Whenever there shall be plans in existence, approved by either VDOT or by town council, for the widening of any street or highway, the zoning administrator may require additional front yard setback for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way, in order to preserve and protect the right-of-way for such proposed street or highway widening.
- d. All internal streets shall be permanently constructed to current standards of and accepted for maintenance by VDOT.
- e. All entrances shall be constructed to current VDOT standards.
- f. Street furnishings such as street furniture, pavement, planter spacing, and lighting shall be in accordance with the town's main street guidelines.
- g. Where practicable, the use of pervious surfaces should be used for walkways, alleys, and parking lots to promote infiltration and reduce the impact of development on local water quality.

(2) Street construction.

- a. In all districts where sidewalks are required, there shall be a continuous concrete sidewalk, including curb and gutter, along both sides of the street. The sidewalks shall have accessible curb cuts, with textured paving, that direct pedestrians into a crosswalk. Pedestrian-friendly crosswalks, appropriately lit and marked with either paint or other paving, shall be placed at intersections where applicable in compliance with town standards. Americans with Disabilities Act (ADA) access shall be provided at all sidewalk intersections.
- b. Sidewalks in the R-2, R-3, B-2, B-3, and TND-C districts shall be a minimum of five feet wide and comply with the ADA.

- c. Sidewalks in the B-1 district shall be a minimum of eight feet wide and comply with the ADA.

- 3) Access management.
 - a. In the B-1 district, a maximum of one access point is allowed per lot. Preference shall be given to lots with rear access roads or driveways shared between parcels.
 - b. In the B-2 district, each lot (either existing or newly created) shall be entitled to one entrance of requisite width per VDOT standards. Additional entrances or access points may be permitted by the zoning administrator, with the concurrence of VDOT, if the need for and safety of such is substantiated by a traffic impact analysis conducted by the applicant. For purposes of this section, subsequent construction of buildings within a development project or on outparcels of the development project, shall not constitute a separate development and shall not be entitled to access separate and apart from the parent tract. Every parcel must provide vehicle and pedestrian access to the property line of adjacent contiguous parcels.
 - c. In the B-3 district, access and traffic controls shall conform to the following:
 - (i) All means of ingress or egress from the shopping center shall be to a public street or state highway and shall be located in accordance with the regulations of VDOT and the town.
 - (ii) The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes or service walks as may be required by VDOT and by the town.
 - (iii) A traffic impact analysis shall be submitted for review by the town and VDOT. The analysis shall address access and internal circulation arrangements for the center and any outparcels. The recommendations of the analysis, unless specified otherwise by VDOT or by the town, shall be fully implemented.
 - (iv) Access to shopping center outparcels shall be designed such that the internal circulation system alone provides adequate access to each proposed outparcel and adjoining B-3 parcels. Individual access to existing public roads for outparcels shall not be permitted except as may be approved by the Zoning Administrator upon the demonstration within the traffic impact analysis that such an individual access will improve internal circulation and not adversely affect traffic flows on the adjacent public roadways.
- (d) Refuse and recyclables collection.
 - (1) Dumpsters, or an alternate method of collection for recyclables and for nonrecyclable refuse approved by the zoning administrator, shall be required for mobile home parks and for multifamily, commercial and industrial developments. The following standards shall apply:
 - a. Dumpsters or other approved collection receptacles shall be located on a site so that service vehicles will have convenient and unobstructed access to them. The location shall be such that encroachment by service vehicles upon bicycle and pedestrian ways, parking spaces or vehicular circulation drives will be minimized.
 - b. Dumpsters and other approved collection receptacles shall conform to the following requirements:
 - (i) Receptacles shall not be located closer than 50 feet to any residential structure.
 - (ii) In the B-3 district, no such storage area shall be permitted within any required yard space.

- (iii) In the B-1, B-2 and TND-C district, receptacles shall be located to the rear of the property.
 - c. Dumpsters and other approved collection receptacles shall be either screened, enclosed or otherwise blocked from public view. Such screening or enclosure shall be designed in conjunction with the primary building, shall use similar materials and shall provide complete obscurity of the dumpster. The screen or enclosure shall have substantially durable double doors. Chain link fencing may not be used except where the zoning administrator determines that such screening is not necessary because other screening, such as building, fences or landscaping, is in place.
 - d. Where dumpsters are to be utilized, dumpster pads, constructed in accordance with the applicable health department standards for construction and drainage, shall be provided.
 - e. All organic rubbish shall be contained in vermin-proof containers with tightly fitting lids.
 - f. All bulk solid waste receptacles shall be maintained in a clean condition. Such receptacles used for storage of solid waste or other material capable of creating unsanitary conditions shall be washed and disinfected as often as necessary to control odor and insect breeding.
 - g. Any person accessing or servicing a bulk solid waste receptacle, for which screening or a screening enclosure has been provided, shall replace the bulk solid waste receptacle behind or within the screening or screening enclosure immediately after access or service.
 - h. It shall be the joint and severable responsibility of the owner of each multiple-unit dwelling, commercial and industrial land or buildings to provide a number of approved containers for storage of solid waste to prevent overflow between times of collection, and maintain the premises in accordance with the provisions of this chapter.
- (e) Telecommunications.
- (1) The standards of this section apply whenever a special use permit is sought for a broadcasting or communications tower, as this use is defined in this chapter. Any wireless communication antenna which meets the definition of a "utility service, minor," is not subject to the provisions of this section.
 - (2) General standards. The following sites shall be considered by applicants as the preferred order of location of proposed broadcasting or communication facilities:
 - a. Existing broadcasting or communication towers.
 - b. Public structures, such as water towers, utility structures, fire stations, bridges, steeples, and other public buildings not utilized primarily for residential uses within I-1 district.
 - c. All other structures within the I-1 zoning district.
 - (3) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of council that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements, as documented by a qualified and licensed professional engineer.
 - b. Existing towers or structures do not have sufficient height to meet applicant's engineering requirements, as documented by a qualified and licensed professional engineer.
 - c. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced modified, or replaced to accommodate the planned or equivalent equipment at a reasonable cost.
 - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers and structures, or the existing antenna would interfere with applicant's proposed antenna.
 - e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are deemed unreasonable.
 - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unreasonable.
 - g. The maximum height of any broadcasting and communications tower shall be made a condition of the special use permit. No facility shall be greater than 199 feet. Reductions in height are contingent upon the adjacent uses and viewshed. Exceptions provided when included in a church steeple, bell tower, water tower, light pole, or other similar architecturally compatible structure.
- (4) Broadcasting or communication towers shall conform with each of the following minimum setback requirements:
- a. Towers shall have a minimum front, side, and rear yard setback equal to the height of the tower.
 - b. Towers guys and accessory structures shall satisfy the minimum setback requirements of the underlying zoning district.
 - c. Towers shall not be located between the principal structure and a public street.
 - d. A tower's setback may be reduced or its location in relation to a public street varied, at the sole discretion of the council, to allow the integration of a tower into an existing or proposed structure such as a church steeple, light pole, utility pole, or similar structure.
- (5) More than one tower may be permitted provided all setback requirements have been met.
- (6) All broadcasting or communication towers shall be designed, structurally, electrically, and in other respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users, if the tower is over one hundred (100) feet in height, or for at least one additional user if the tower is over 60 feet in height.
- (7) Proposed or modified towers and antennas shall meet the following design requirements:
- a. Towers and antennas shall be designed to blend into the surrounding environment through the use of color and camouflaging architectural treatment, except in

- instances where the color is dictated by federal or state authorities such as the Federal Aviation Administration.
- b. Broadcasting or communication towers shall be of a monopole design unless the council determines that an alternative design would better blend into the surrounding environment.
- (8) Towers shall be illuminated as required by the Federal Communications Commission, (FCC) but no lighting shall be incorporated if not required by the FCC, other than essential security lighting. Site lighting shall not be directed toward adjacent properties. When incorporated into the approved design of the tower, light fixtures used to illuminate ball fields, parking lots, or similar areas may be attached to the tower.
 - (9) Towers shall be located in an area where they are unobtrusive and do not substantially detract from aesthetics or neighborhood character, due to either location, to the nature of surrounding uses, or to lack of visibility caused by natural growth or other factors.
 - (10) A buffer yard shall be provided surrounding the facility. The special use permit application shall include a landscape plan showing the locations, species, and size at planting for the landscaping proposed.
 - (11) Signage on site shall be limited to no trespassing or safety signs to be positioned on the fence surrounding the facility. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.
 - (12) No new or existing telecommunications service shall interfere with public safety communications. Before the introduction of new service or changes in existing service, telecommunications providers shall notify the town at least ten calendar days in advance of such changes and allow the town to monitor interference levels during the testing process.
 - (13) There shall be no outdoor storage associated with the facility.
 - (14) All towers and associated facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the zoning administrator. In the event that a tower is not removed within six months of the cessation of operations at a site, the tower and associated facilities may be removed by the Town and the costs of removal assessed against the owner and property.

Sections 66-47 – 66-49. Reserved.

Article V. NONCONFORMING USES, LOTS AND STRUCTURES

Section 66-50. - Continuation.

- (a) Legal activities, lots and structures.
If, at the time of enactment of this ordinance or any subsequent amendment thereto, any legal activity which is being pursued or any lot or structure legally utilized in a manner or for a purpose which does not conform to the provisions of this chapter, such manner of use or purpose may be continued as provided in this section.
- (b) Titles of possession and leases.
If any change in title of possession or renewal of a lease of any such lot or structure occurs, the use existing may be continued.
- (c) Discontinuations and vacancies.
If any such existing nonconforming activity or use of a lot or structure has been discontinued or vacated for a period exceeding two years, it shall be deemed abandoned, and any subsequent use shall conform to the requirements of this chapter.
- (d) Permits for construction or use.
Nothing contained in this section shall require any change in the plans of construction of any use or structure for which a permit was granted prior to adoption or amendment. However, such use must commence within 30 days after the effective date of this chapter. If construction is not completed within one-year, further construction shall be in conformity with the provisions for the district in which the operation is located.
- (e) Superseded by a permitted use.
When any nonconforming use is suspended by a permitted use, the use shall thereafter conform to the regulations for the district, and no nonconforming use shall thereafter be resumed.

Section 66-51. - Modification.

- (a) Moving of structure or building.
No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.
- (b) Repairs and maintenance.
Nonconforming uses and structures may be repaired and maintained, and unsafe structures may be made safe, as long as the nonconformity is not increased.
- (c) Expansion or Enlargement
 - (1) No nonconforming structure or building may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

- (2) Should a proposed alteration of a nonconforming single-family detached structure not meet current yard dimensions or setbacks, and the expansion proposed is less than 20 percent of the original footprint of the nonconforming structure, the zoning administrator may administratively approve the expansion if the proposed expansion does not increase the nonconformity of the existing yard dimensions or setbacks.
 - (3) No nonconforming use shall be enlarged nor increased nor extended to occupy more land or greater area of a structure than was used for such uses as of the date of adoption or amendment of this chapter.
- (d) Restoration and Replacement.
- (1) Elimination or reduction of nonconformance. If a nonconforming building or use is damaged or destroyed by fire, natural disaster or other act of nature, such building may be repaired, rebuilt or replaced to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance.
 - (2) Restoration with original nonconformance. A nonconforming building or use damaged or destroyed by fire, natural disaster or other act of nature may also be restored if such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall:
 - a. Apply for a building permit and any work done to repair, rebuild or replace such building shall follow the provisions of the Uniform Statewide Building Code.
 - b. Such building may also be repaired, rebuilt or replaced to its original nonconforming condition, so long as the building is repaired, rebuilt or replaced within two years of the natural disaster.
 - (3) The cost of land or any factor other than the cost of the structure shall be excluded in the determination of the cost of restoration for any structure or activity devoted to a nonconforming use.

Section 66-52. - Changes in district boundaries.

Whenever the boundaries of a district are changed, any uses of land or buildings which become nonconforming as a result of such change shall become subject to the provisions of this article.

Section 66-53. - Nonconforming lots of record.

In any district, structures and customary accessory buildings may be erected and/or enlarged on any single lot of record as of the adoption or the date of amendment of this chapter, so long as said structure and customary accessory buildings, and/or enlargements thereto comply with the setback and yard requirements imposed by other provisions of this chapter.

Sections 66-54 – 66-59. Reserved.

Article VI. DEFINITIONS

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

Generally, the words "used for" include "designed for," and vice versa; the word "building" includes the word "structure"; the word "dwelling" includes the word "residence"; and the word "lot" includes the word "plot." Any words pertaining to gender shall be interchangeable. The word "he" shall mean "she," and "she" shall mean "he." The word "shall" is mandatory; the word "may" or "should" is permissive.

Access means a public or private right-of-way providing the ability to enter, approach or pass to and from one area to another area.

Accessory building. See *Building, accessory.*

Accessory dwelling unit. See *Dwelling, accessory.*

Accessory structure. See *Structure, accessory.*

Accessory use (activity) means a use of a building, lot or portion thereof which is customarily incidental and subordinate to the principal use of the main building or the lot.

Acreage means a parcel of land, regardless of area, described by metes and bounds which is not a numbered lot on any recorded subdivision plat.

Act of nature means a natural event, not preventable by any human agency, such as flood, storms, or lightning. Forces of nature that no one has control over and therefore cannot be held accountable.

Addition means any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

Administrator means the official charged with the administration and enforcement of this chapter; also, referred to as the zoning administrator. The administrator shall be appointed by the town council.

Affordable housing means housing that is affordable to families with incomes at or below 80% of the area median income, provided that the occupant pays no more than 30% of his or her gross income for gross housing costs, including utilities.

Agent means one who represents another, called the principal, in dealings with third persons. The agent undertakes some business by authority of the principal. The principal is the property owner.

Aggrieved person means a person or group of people with an immediate, pecuniary and substantial interest in an action taken by the administrator or board of zoning appeals under this ordinance, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Agricultural, intensive means the commercial keeping of animals and storage of agricultural products with accessory uses including storage bins and litter/manure storage. The operations of the use may generate dust, noise, odors, pollutants, or visual impacts that could adversely affect adjacent properties.

Agricultural operation means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silvicultural activity. This use does not include *Agricultural, intensive*.

Alley means a public right-of-way which affords pedestrian access and a secondary means of vehicular access to the side or rear of property. An alley may be used for public utility purposes.

All-weather surface means any material capable of supporting the weight of a large motor vehicle during any weather condition. Examples could include products such as Grasscrete and Geoblock; or, materials such as gravel, textured pavement, concrete, or other materials as approved by the zoning administrator.

Alteration means any change in the total floor area, structural or supporting members, use, adaptability, or external appearance of an existing structure.

Amateur radio tower means a structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the FCC.

Amendment means a change in this chapter and/or the zoning map granted by the council after public hearing, and prior review and comment by the planning commission.

Antenna means any exterior apparatus designed for commercial telephonic, radio or television communications through the sending and/or receiving of electromagnetic waves.

Applicant means property owner or their authorized representative who has petitioned the town for approval of a zoning change, zoning permit, building permit, variance, special use permit, site development plan, sign permit, certificate of appropriateness, or any other authorization for the use or development of their property under the requirements of this ordinance.

Application means an applicant's petition for approval of a zoning change, zoning permit, building permit, variance, special use permit, site development plan, sign permit, certificate of appropriateness, or any other authorization for the use or development of their property under the requirements of this Ordinance.

Architect, registered, means a licensed professional architect, registered in the state by the state board of architects, professional engineers, land surveyors and landscape architects as an architect.

Assembly, place of means the use of land for a meeting place where persons gather together for purposes of attending civic, social, or religious functions, recreational events or entertainment performances on a regular or recurring basis including but not limited to, religious institutions, banquet facilities, funeral homes, theaters, conference centers, community, recreation centers, year-round swimming facilities, and similar

places, but excludes a dance hall as defined by this chapter. A gathering of less than 25 persons shall not be considered a place of assembly provided the gathering is accessory and incidental to the principal use.

Automobile graveyard means any lot or place which is exposed to the weather upon which five or more motor vehicles of any kind, incapable of being operated and which it would not be economically practicable to make operative, are placed, located or found.

Automobile rental/leasing means rental of automobiles, light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

Automobile repair service means repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services, and similar repair and service activities where minor repairs and routine maintenance are conducted.

Automobile/truck sales means a lot arranged, designed or used for the storage and display for sale of any new or used motor vehicle capable of independent operation or any type of travel trailer and recreation vehicle, provided the travel trailer and recreation vehicle is unoccupied, and where repair work is done wholly within an enclosed building.

Aviation facility, also referred to as an airport, means landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

Awning means a shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

Banner means a sign applied to cloth, paper, flexible plastic, or fabric of any kind and generally intended to be displayed on a temporary basis. Banner signs are not permitted under this ordinance.

Basement means a story completely underground, or partly underground and having 50 percent or more of its height below grade. The exposed wall area shall be counted for the purpose of height regulations and/or if it is subdivided and used for business purposes or for dwelling purposes.

Bed and breakfast establishments means a dwelling unit occupied by the owner that provides up to 5 bedrooms for rent for transient occupancy in increments of 14 days or less.

Berm means a landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

Best management practices (BMP) means schedules of activities, or practices, including both structural and non-structural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land disturbing activities.

Bikeway means a bicycle pathway: either a bike lane, a bike trail, or bike route.

Block means the property bounded on all sides by one side of a street or a combination of street line, railroad right-of-way, unsubdivided land, river, live stream, streambed or any other barrier to the continuity of development.

Board of zoning appeals means the board appointed to review appeals made by individuals with regard to decisions of the zoning administrator in the interpretation of this chapter and to authorize, upon appeal, variances from the terms of this chapter when justified by special conditions. Also referred to as the *board*.

Boat means a transportation structure vehicle used or capable of being used as a means of transportation on water.

Brewery or distillery means the use of land, licensed by the commonwealth, where beer or spirits are manufactured for sale. Breweries have a capacity greater than 1,000 barrels a year and distilleries have a capacity greater than 5,000 gallons a year. Consumption on the premises is permitted as an accessory use.

Broadcasting or communication tower means any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio antennas, which are described separately. Also excluded are wireless communication antennas which fit the definition of utility services, minor.

Buffering/screening means any decorative or ornamental device or natural growth or a combination thereof which shall serve as a barrier to vision or noise between adjoining properties or a property and street, wherever required by this chapter.

Buffer yard means a yard with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

Bulk fuel storage and distribution means the storage of chemicals, petroleum products and other materials in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

Building means a structure having a roof, supported by columns or by walls, and intended for the shelter, housing or enclosure of any person, animal or property of any kind. The term "building" includes the term "structure." The term "building" also includes, but is not limited to, gazebos, carports and

sheds which are modular in nature and are delivered to the site and which may or may not have a foundation.

Building, accessory means a building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building or to the use of the land, and which is not attached by any part of a common wall or roof to the main building. For the purposes of this chapter, dish-type satellite or other ground-mounted television, radio or other communications receiving or sending antennas or devices are defined as accessory buildings and subordinate to the principal use of a lot and are subject to zoning permit requirements, supplementary regulations, and a requirement for location behind the main or principal building in all districts where permitted. The term "accessory building" also includes, but is not limited to, gazebos, carports and sheds which are modular in nature and are delivered to the site and which may or may not have a foundation.

Building face means any one of the four principal exposures, front, sides or back, of a building. For purposes of sign regulations, the face of a building is that portion exposed to a street, alley or lot and is measured at ground level on a linear basis from exposed corner to exposed corner.

Building height. See *Height, building.*

Building inspector means the official responsible for enforcement of the state building code.

Building line or setback line means a line that establishes the area within which the principal building or structure must be erected or placed and which may be located by means of a plat of subdivision or site plan at a distance greater than, but in no case less than, the minimum setbacks or yard spaces required by the zoning ordinance.

Building, main means a building in which the principal use of the lot is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building, modular means a factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure in accordance with Virginia Code §36-71.1, as amended, currently in use or as may be amended. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated subelements incorporated into a structure at the site. This type of unit is included in the definition of the term "detached dwelling" for the purposes of this chapter. Such a structure, when assembled, will comprise a finished building.

Building, service, means a permanent building housing toilet, lavatory, recreation, or other such facilities, as may be permitted or required by this chapter.

Business. See *Commercial.*

Business or trade school means a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit and not otherwise defined as an educational facility, either primary and secondary, or college and university, or as a home occupation.

Business support services means establishment or place of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

Caliper means the diameter of a tree (usually nursery stock) measured at a point six (6) inches above the ground or top of root ball for up to and including four (4) inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Camp and *campground*, mean an area, whether publicly or privately owned, upon which are located sites for three or more travel trailers, camping trailers, pickup truck campers, motor homes, or tents, for seasonal or temporary recreational occupancy. The term "camps" includes the land and buildings used by recreational vehicle parks and civic, religious and social organizations for social, recreational, educational, and/or religious activities on a seasonal basis.

Carport means any space outside a building and contiguous thereto, wholly or partly covered by a roof and used for the shelter of parked motor vehicles.

Car wash means a structure or portion thereof containing facilities for washing and/or waxing motor vehicles, using production-line automated or semiautomated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devices operated either by the patron or others. Car washes are a separate use and not treated as an accessory to gasoline stations, automobile service, or other similar uses.

Catering facility means an establishment in which food and meals are prepared on premises, and where such food and meals are delivered to another location for public or private entertainment for a fee.

Cellar. See *Basement*.

Cemetery means any land or structure used or intended to be used for the interment of human remains. The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery.

Certificate of occupancy means a written statement, based on an inspection and signed by the building inspector, after certification from the zoning administrator that all zoning-related conditions have been met, setting forth that a building, structure, sign, and/or land complies with this chapter and/or that a building, structure, sign and/or land may be lawfully used for specific purposes, as specified in this chapter.

Circuit court means the Circuit Court of Shenandoah County.

Civic uses mean public recreation facility, public schools, municipal buildings including police, fire and rescue facilities, and all other publicly owned structures.

Club means a use providing educational, meeting, or social facilities for civic or social clubs, fraternal/sororal organization, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. This use does not include a building in which members reside.

Cluster development means a development design technique that concentrates buildings on a part of a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive features.

Commercial means any retail or service business activity established to carry on trade for a profit.

Commercial indoor amusement means establishments which provide multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

Commercial indoor entertainment means predominantly spectator uses conducted within an enclosed building. Typical uses include, but are not limited to, motion picture theaters and concert or music halls.

Commercial sports and recreation means indoor/outdoor athletic and recreation facilities for primarily participant uses. Typical uses include bowling alleys, ice- and roller-skating rinks, indoor racquetball, swimming, and/or tennis facilities.

Commercial vehicle means:

- (1) Any vehicle with a gross weight of 10,000 pounds or more.
- (2) Any vehicle designed to carry in excess of 16 passengers, including the driver.
- (3) Any vehicle designed primarily to tow, transport or carry motor vehicles.
- (4) Any vehicle operated or used for rent or for hire for the transportation of passengers or as a property carrier for compensation, other than taxicabs.
- (5) Any vehicle or trailer designed to sell food or merchandise directly from the vehicle or trailer itself.
- (6) Any tractor, truck or semitrailer.

Commercial vehicle repair service means repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major engine and transmission repairs are conducted. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops, and other similar uses where major repair activities are conducted.

Commission means the Mount Jackson Planning Commission. Also referred to as *planning commission*.

Common area means an open tract or parcel of land owned in undivided interest, not devoted to structures but directly related and adjunct to a development, as provided in this chapter.

Comprehensive plan means the official document adopted by the town council known as the "Mount Jackson Comprehensive Plan."

Conservation means the management of natural resources to prevent waste, destruction, or degradation.

Construction, new means, for the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM (Flood Insurance Rate Map) or after December 31, 1974, whichever is later, and includes any subsequent improvements of such structures. For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Construction sales and service means establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

Construction sign means a temporary sign identifying an architect, developer, builder, general contractor, subcontractor, material supplier, and or financing entity participating in construction on the property on which the sign is located.

Construction yard means an establishment or place of business primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

Consumer repair service means establishment or place of business primarily engaged in the provision of repair services to individuals, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

Contractor service means establishment or place of business primarily specializing in home improvements and remodeling. This definition includes but is not limited to heating, air conditioning, painting, plumbing, and roofing. The use may include an office for the conducting of business, indoor repair and prep-work as well as retail sales of construction materials.

Convalescent home. See *Elder care facility*.

Convenience store. See *Store, convenience*.

Corner lot. See *Lot, corner*.

Council means the Town Council of the Town of Mount Jackson. Also referred to as *town council*.

Coverage, building or lot, means the percentage of the total lot area which may be occupied by all buildings or located under projections from buildings. Unenclosed areas or patios constructed at ground level shall not be included in the calculation of coverage.

Craft-brewery means an establishment primarily engaged in brewing ale, beer, malt liquors, and nonalcoholic beer, with a capacity of not more than 1,000 barrels per year. Craft-brewery may include a

restaurant or public tasting room as an accessory use. Craft- brewery may be a secondary use to the production and harvesting of barley and other grains, hops and fruit on agriculturally zoned property.

Craft-distillery means an establishment primarily engaged in distilling and blending potable liquors, including mixing them with other ingredients, with a capacity of not more than 5,000 gallons of finished product per year. A craft-distillery may include a restaurant or public tasting room as an accessory use. Craft-distillery may be a secondary use to the production and harvesting of agricultural products on agriculturally zoned property.

Curb cut means any interruption or break in the line of the street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

Custom manufacturing means establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses, or a single kiln.

Day Care Center means any facility operated for the purpose of providing care, protection and guidance to individuals during only part of a twenty-four-hour day. This term includes nursery schools, preschools, day care centers for individuals including adults, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four-hour period. Excluded from this definition is *Family home day care*.

Deck means a structure, without a roof, directly adjacent to a principal building, which has an average elevation of 30 inches or greater from finished grade. A deck may be constructed of any material permitted by the building code.

Dedication means the transfer of private property to public ownership upon written acceptance.

Density means the number of dwelling units permitted on one acre of land as specified in this chapter.

Development means the process of erecting or causing to be erected buildings or structures on a lot.

Distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

District means a portion of the town within which, on a uniform basis, only certain uses of land and buildings are permitted as set forth in this chapter and within which certain lot areas and other uniform requirements are established.

Driveway means a space or area providing access specifically designated and reserved on a lot for the movement of vehicles from one lot to another, or from a lot to a public street.

Duplex means a two-family residential structure, with each unit having its own exterior entrance and its own kitchen and bath facilities; the residential units may be arranged one above the other or may be semidetached.

Dwelling means a building or portion thereof which is used or intended to be used exclusively for residential purposes and which contains one or more dwelling units. A dwelling shall be constructed in accordance with the county building code.

Dwelling, Accessory or accessory dwelling unit means a dwelling that exists as part of a principal dwelling or on the same lot as the principal dwelling and is subordinate in size to the principal dwelling.

Dwelling, attached, means a dwelling having any portion of each of two walls in common with adjoining dwellings.

Dwelling, detached, means a dwelling which is entirely freestanding on a lot.

Dwelling, manufactured, means a structure which: (1) Is transportable in one or more sections; (2) Is eight feet or more in width and 40 feet or more in length in the traveling mode, or is 320 or more square feet when erected on-site; (3) Is built on a permanent chassis; (4) Is designed to be used as a dwelling unit for one family, with or without a permanent foundation, when connected to the required utilities; and (5) Includes the plumbing, heating, air conditioning, and electrical systems necessary for the structure. For purposes of this chapter, a manufactured dwelling must meet the standards promulgated by the United States Department of Housing and Urban Development (HUD), published at 24 CFR Part 3280, including the ANSI standards incorporated therein by reference. For purposes of this chapter, a manufactured dwelling must bear a data plate declaring that it meets HUD standards. Also referred to as a *manufactured home*.

Dwelling, multifamily, means any building arranged or designed to be occupied by three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type but not limited to would be garden apartments, low- and high-rise apartments, apartments for elderly housing, and condominiums.

Dwelling, single-family, means a residential dwelling unit other than a mobile home, designed for and occupied by one family.

Dwelling, townhouse means a grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

Dwelling, two-family, means a residential building containing not more than two dwelling units within the single building, with such units arranged one above the other or side by side, and such structure shall be designed for occupancy by not more than two families, including but not limited to duplexes.

Dwelling unit means one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities. Each dwelling unit shall be constructed in accordance with the requirements of the state building code.

Easement means a grant by the property owner of the use of his land by another person for a specific purpose.

Educational facility, Primary/Secondary means 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 Commonwealth of Virginia.

Elder care facility means a building or buildings designed to provide housing and care for elderly and disabled persons and includes nursing homes, convalescent homes, rest homes, and life care facilities. Facilities may provide bed care and in-patient services for persons requiring regular medical attention. Facilities may provide for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in full-time care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

Engineer, registered, means a licensed professional engineer, registered in the state by the state board for architects, professional engineers, land surveyors, and landscape architects as a professional engineer.

Equipment sales and rental means any establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

Family means one or more persons related by blood, adoption or marriage, living or cooking together as a single housekeeping unit. The persons constituting a family may include foster children.

Family home day care means a single-family dwelling in which more than four but less than 13 individuals, are received for care, protection and guidance during only part of a twenty-four-hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of 4 or fewer individuals for portions of a day shall be considered as a *home occupation*.

Family health care structure, temporary means, pursuant to all conditions set forth in Virginia Code §15.2-2292.1, as amended, a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person, that:

- (1) is primarily assembled at a location other than its site of installation;
- (2) is limited to one occupant who shall be the mentally or physically impaired person, or in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person and the other requires assistance with one or more activities of daily living as defined in Virginia Code §63.2-2200, as amended, and as certified in writing by a physician licensed in the Commonwealth;
- (3) has no more than 300 gross square feet; and
- (4) complies with applicable provisions of the Industrialized Building Safety Law (Virginia Code §36-70 et seq., as amended).

Farmer's market means a place for the retail sale of fresh fruits and vegetables, crafts, and other food and related items, at a facility with spaces occupied by several different temporary tenants on a short term or daily basis; indoor or outdoor; but this use does not include roadside stands or flea market.

Fast food establishment. See *Restaurant, drive-in.*

Fence.

- (1) The term "fence" means a barrier, usually made of posts and wire, boards or masonry, intended to prevent escape or intrusion or to make a boundary.
- (2) The term "fence" does not include trees, shrubbery or other foliage.

Financial institution means an establishment whose principal purpose is the provision of financial services, including but not limited to, an insured depository institution, a credit union, a federal home loan bank, a small business investment company, a depository institution holding company, a mortgage lending business, or other institutions as defined by federal code.

Flea market means an assembly of vendors selling primarily used goods in the open air or within temporary structures.

Flood means

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mud slides (i.e., mud flows) which are proximately caused by flooding as defined in Subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) of this definition.

Floodplain means

- (1) A relatively flat or low land area adjoining a river, stream or watercourse, which is subject to partial or complete inundation.
- (2) An area subject to the unusual and rapid accumulation or runoff of surface water from any source.

Floodway means the designated area of the floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this chapter, the floodway shall be capable of accommodating a flood of one-hundred-year magnitude.

Floor area, with regards to buildings, means the sum of the gross horizontal areas of the floors of all buildings on the lot, such area to be measured from the interior faces of exterior walls. The term "floor

area" includes the area of basements when used for residential, commercial or industrial purposes but shall not include a basement or portion of a basement used for storage or housing of mechanical or central heating equipment.

Floor area ratio (FAR) means a ratio determined by dividing the gross floor area of all buildings on a lot by the area of that lot.

Frontage means the lot width at the setback line. See *Lot, width of*.

Full cutoff angle means the angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.

Funeral parlor, funeral home or mortuary means an establishment used for human funeral services, which includes facilities on the premises for embalming and may or may not include facilities for the performance of autopsies, other surgical procedures or cremation.

Game preserve, wildlife sanctuary means an area licensed by the Commonwealth of Virginia that must meet certain requirements for area and operating purposes, and which is granted special hunting privileges.

Garage, private, means an accessory building used for the storage of vehicles by the occupants of a lot on which such building is located.

Garage, public, means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor vehicles.

Garden center means a place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouse, may import items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Gasoline station. See *Store, convenience*.

Grade means the average of the finished ground level adjoining a building.

Grandfathered is a term referencing a use or structure that is not in conformance with the current ordinance, but that was legal at the time it was established or constructed; also referred to as a legally non-conforming use/structure.

Greenhouse means a building with transparent walls and roof; for the cultivation and exhibition of plants under controlled conditions.

Greenhouse, commercial means a greenhouse operation in which plants are offered for sale to the public, either at wholesale or at retail.

Grocery store. See *Store, grocery*.

Gross area means all of the land contained within the boundaries of a tract or development.

Gross floor area.

- (1) The term "gross floor area" means the sum of the total horizontal areas of all floors of a structure on a lot, measured from the interior faces of exterior walls, including basements, elevator shafts, stairwells, and enclosed porches or atriums. The term "gross floor area" shall include basements, elevator shafts and stairwells at each story, attic space, interior balconies and mezzanines, so long as the structural headroom is at least six feet, six inches. The gross floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be computed by counting each ten feet of height, or fraction thereof, as being equal to one floor.
- (2) The term "gross floor area" does not include floor space not suitable for human habitation or areas designed for heating and ventilating equipment, off-street parking, parking structures or areas with less than six feet, six inches or more of structural headroom. The term shall not include outside balconies which do not exceed a projection of six feet beyond the exterior walls of the building.

Group home means a licensed residential facility in which no more than eight mentally ill, mentally retarded, or developmentally disabled persons reside, or no more than eight aged, infirmed or disabled persons reside, with one or more resident counselors or other staff persons. The home shall be considered as 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 the Virginia Code §54.1-3401, as amended. Such facility shall be licensed by the Commonwealth of Virginia Department of Behavioral Health and Development Services in order to qualify as a single-family use.

Hard surface pavement means concrete, blacktop, macadam, or a similar surface.

Health department means the Virginia Department of Health.

Health official or officer means the Director of the Virginia Department of Health or designated deputy or a representative of the state department of health.

Height means, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Height, building means the vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, to mean height level between the eaves and ridge for hip, gable and gambrel roofs.

Height, structure means the distance between the highest point of any structure, and the lowest grade adjacent to the structure.

Height, tree means the measurement taken from the top of the root ball to the top of the trunk.

Home occupation, class A means an occupation conducted primarily on-site involving persons residing on the premises. Such occupations may require the use of accessory structures. No more than five clients or customers shall be allowed on the premises at any one time on a regular basis.

Home occupation, class B means an occupation conducted on-site involving persons residing on the premises and not more than two (2) full or part-time outside employees. Such occupations may require the use of accessory structures or outside areas. No more than 10 clients or customers shall be allowed on the premises at any one time on a regular basis.

Homeowners' association means an incorporated, nonprofit organization operating under recorded legal agreements running with the land. Under such agreements, the association may be formed on the basis of either a voluntary or an automatic membership.

- (1) A voluntary or nonautomatic association is one which is operated with land agreements but with membership and assessments optional with the lot owner and discretionary on the part of the organization management. A voluntary association of property owners is used for the operation of community clubs or for recreational features such as a swimming pool or golf club wherein the developer provides the facility and continues his patronage and ownership, the covenants or other documents of title are not recorded and incorporated with each deed of conveyance.
- (2) Automatic membership is one in which each lot owner in a planned unit or other described land area automatically becomes a member upon purchase; and is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as maintaining common property.

Hospital means a facility providing medical, psychiatric or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees or visitors.

Hotel means a building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week, or month. May also be referred to as motel or motor lodge.

Impervious means not letting something enter or pass through.

Industrialized building. See Building, modular.

Industry, heavy means manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process.

Industry, light means enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Uses may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries,

business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.

Industry, medium means enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

Initial lumens mean the lumens emitted from a lamp, as specified by the manufacturer of the lamp.

Integrated PV means photovoltaics incorporated into building materials, such as shingles.

Junkyard means any establishment or place of business which is maintained, operated or used for storing, keeping, housing or buying junk or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

Kennel means a place to house, board, breed, handle or otherwise keep or care for dogs for sale or in return for compensation.

Laboratory means an establishment whose principal purpose is the research, compounding, and/or packaging of scientific products, which may include light manufacturing.

Lamp means the component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.

Land Area Ratio, (LAR) means the development ratio of the land area of a parcel between one use type and the other uses.

Land use and use of land include the terms "building use" and "use of building."

Landscaping means the improvement of a lot, parcel or tract of land, with grass, shrubs, trees, other vegetation and/or ornamental objects. Landscaping may include grading of soil, addition of pedestrian walks, flowerbeds, ornamental objects such as fountains, statues, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Laundry, commercial means any establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

Light pollution means any adverse effect of man-made light including sky glow, glare, light trespass, light clutter, and decreased visibility at night.

Light trespass means a light source casting excessive light upon adjacent property or upon a public right-of-way, also called light spillover.

Liquor means any alcoholic beverage other than beer, wine, or cider, as those terms are defined in Virginia Code §§4.1-100 and 4.1-213, as amended.

Loading space means an off-street space used for the delivery and loading/unloading of vehicles.

Location means a lot, parcel, building site or tenant space.

Lot area means the total area, measure on a horizontal plane, included within lot lines. In residential zoning districts, lot area shall be defined as the area of the lot that excludes major utility easements (e.g. gas pipeline, electric, etc.) and an area that lies within the 100-year flood plain (as it is established at the time of the final plat approval).

Lot, corner, means a lot abutting on two or more streets at their intersection. The front shall be deemed to be the shortest of the two sides abutting streets.

Lot, depth means the average of the horizontal distances between front and rear lines of a lot measured perpendicular to the street line.

Lot, interior, means any lot other than a corner lot.

Lot irregular means a lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongations, angles, curvilinear lines unrelated to topography or other natural land features.

Lot line means any boundary line of a lot.

Lot of record means a lot which has been properly recorded in the Office of the Clerk of Circuit Court for Shenandoah County prior to October 10, 1979.

Lot, pipestem means a "panhandle" or "flag" shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

Lot, through (double frontage), means a lot, other than a corner lot, which has a frontage on two streets.

Lot, width means the horizontal distance between the sidelines of a lot measured along the building setback line.

Lumen means a standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.

Luminaire means a complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.

Main Street guidelines means the “Urban Design Guidelines, Mount Jackson, May, 2000” approved by council on October 10, 2000, as may be amended from time to time. These guidelines include standards to assist property owners in the Route 11 corridor, including those properties in B-1 zoning district, in the development of their property and to help the town perpetuate the historic character of downtown.

Manufacture and/or manufacturing means the processing and/or converting of raw, unfinished materials or products, or either of them, into articles or substances of different character, or for use for a different purpose.

Manufactured home. See Dwelling, manufactured.

Manufactured home sales mean establishments primarily engaged in the sale or rental of manufactured homes.

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

Medical office/clinic means a facility which provides diagnosis, minor surgical care, and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. Emergency treatment is not the dominant type of care provided at this facility.

Mini-warehouse means a building designed to provide rental storage space in compartments where each area has a maximum floor area of 400 square feet. Each compartment shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

Mixed use structure means a building containing residential uses in addition to non-residential uses permitted in the zoning district. Mixed use structure should not be confused with a mix of uses each in separate structures in a single development.

Mobile home See Dwelling, manufactured.

Mobile home lot means any area or tract of land used by or designed to accommodate one mobile home and the exclusive use of its occupants.

Mobile home park means a parcel of land under single ownership on which two or more mobile homes are occupied as residences.

Mobile home stand or pad means the part of an individual mobile home lot which has been reserved for the placement of a mobile home.

Modular building See Building, modular.

Motor home means a portable structure built on and made an integral part of a self-propelled motor vehicle chassis (other than a passenger car chassis) containing living facilities.

Natural growth, wherever used for screening or buffering purposes, means evergreen trees, bushes or shrubbery.

Noncommercial fairgrounds mean an area wherein buildings, structures, and land are used for the exhibition of livestock, farm products, etc., and/or for carnival-like entertainment.

Nonconforming lot means an otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located as of adoption or the date of amendment of this chapter.

Nonconforming structure means an otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter for the district in which it is located either as of the adoption or the date of amendment of this chapter.

Nonconforming use (activity) means the otherwise legal use of a building, structure or tract of land that does not conform to the use regulations of this chapter for the district in which it is located either as of the adoption or the date of amendment of this chapter.

Nursing home. See *Elder care facility*.

Occupancy means the period during which one owns, rents, uses, or occupies a certain premises or land.

Occupant means a person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.

Office, general means the use of land wherein the primary use is the conduct of a business or profession such as, but not limited to accounting, architecture, computer software, or information systems research and development, engineering, insurance, law, management, organization and association offices, psychology, theology, real estate, and travel. Retail sales do not comprise more than an accessory use of the primary activity of a general office. This use does not include medical office as defined by this chapter.

Official zoning map. See *Zoning map*.

Off-street parking area means space provided for vehicular parking outside the dedicated street right-of-way.

Open space means any parcel of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment. Open space may include active recreational facilities such as swimming pools, play equipment, ball fields, court games, and picnic areas.

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

Common open space may include, recreation centers, swimming pools, tennis and basketball courts, and similar facilities.

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

Outdoor display means the permanent and/or continuous keeping, displaying, or storing, outside of a building, of any goods, materials, merchandise or equipment to be sold to the public.

Outdoor storage means the keeping, in other than a building, of any goods, materials, or merchandise that is not currently for sale on the same parcel for more than 24 consecutive hours.

Overhang means any projection (a roof, bay window, or similar cantilevered construction) which extends beyond the foundation of a structure. Such construction may project into any required yard pursuant to § 66-32.

Parcel, or Parcel of land, means a lot or parcel which is described by plat or other legal description.

Parking lot means an off-street area with an all-weather surface designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space.

Parking space, compact means a space for parking one passenger automobile that is 16' long and 8' wide and is marked "Compact car."

Parking space, standard means an area not less than 10 feet wide by 20 feet long for an automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits, and being fully accessible for the storage or parking of permitted vehicles.

Patio means a level surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

Pedestrian ways mean a paved, marked or otherwise designated pedestrian treatments meeting American Association of State Highway Officials (AASHTO) standards.

Person includes a firm, association, organization, partnership, trust, company, or corporation, as well as, an individual.

Personal improvement services mean an establishment primarily engaged in the provision of informational, instructional, self-growth, and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, and handicraft and hobby instruction.

Personal services mean an establishment or place of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops, grooming of pets, seamstresses, tailors, or shoe repairs, florists, and laundromats and dry-cleaning stations serving individuals and households.

Photometric plan means a point-by-point plan depicting the intensity and location of lighting on the property.

Porch means a roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

Power equipment means motorized or engine driven equipment such as, but not limited to, powered saws or chain saws and powered hand tools including hydraulic and pneumatic hand tools. This includes power lawn equipment such as garden tractors, hedge clippers, lawn mowers, and other similar equipment.

Principal building or structure means a building or structure in which the primary use of the lot on which the building is located is conducted.

Principal use means the main use of land or structures as distinguished from a secondary or accessory use.

Property means any tract, lot, parcel or several of such tracts, lots or parcels collected together.

Public means, unless otherwise specifically indicated, anything owned, operated, provided and/or maintained by a local, state or federal government.

Public maintenance and service facility means any public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

Public parking means any area used primarily or regularly for parking motor vehicles; or to any parking space or area required to be provided by any law for this purpose; except it shall not apply to parking provided solely for a single-family dwelling.

Public use means any use for exclusively public purposes without reference to the ownership or structures or the real estate upon which it is situated by any department or branch of the federal, state or local government.

Public utility means any person, firm, corporation, municipal department, or board duly authorized to furnish, under federal, state or municipal regulations, to the public electricity, gas, steam, communications, telegraph, transportation or water.

Recreation, active means those recreational pursuits which require physical alteration to the area in which they are performed including, but not limited to, pedestrian ways, bikeways, tennis courts, swimming and boating areas, playgrounds, and play fields.

Recreation, passive means those recreational activities that generally do not require a developed site such as hiking, horseback riding, and picnicking.

Recreation facility, public means any publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses.

Recreational vehicle means any vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel, or seasonal use.

Recycling center means a facility used by the general public for the collection of materials for recycling or reuse, including bins, boxes, buildings, self-propelled motor vehicles, trailers, and other enclosures or receptacles. Except for Town or other governmental sponsored programs to collect and/or recycle household hazardous wastes, this definition shall not include facilities for the collection of non-recyclable materials, such as business and household refuse, garbage, organic materials, medical waste, trash, junk, toxic substances or similar materials.

Research and development means a business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of communication systems, transportation, geographic information systems, multi-media, and video technology. Development and construction of prototypes may be associated with this use.

Refuse collection site means a facility for the collection of non-recyclable materials, such as business and household refuse, garbage, organic materials, medical waste, trash, junk, toxic substances or similar materials.

Religious assembly means a use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

Restaurant, general means an establishment in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops, eat-in delis and refreshment stands. Excluded from this definition are *Restaurant, drive-in and Restaurant, mobile*.

Restaurant, drive-in means an establishment primarily engaged in the preparation of food and beverages, for either take-out, delivery or table service, served in disposable containers at a counter, drive-up, or drive through service facility, or which offers curbside service.

Restaurant, mobile means a readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, service, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice cream trucks.

Resubdivision means a change in a plat of an approved or recorded subdivision or resubdivision if such change:

- (1) Affects any street layout shown on such a plat;

- (2) Affects any area reserved thereon for the public use; or
- (3) Changes the size of any lot shown thereon, if any of the lots have been conveyed after the approval or recording of such plat.

See also *Subdivision*.

Retail store. See *Store, general*.

Right-of-way means a legally established area or strip of land, either public or private, on which an irrevocable rite of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Road. See *Street*.

Roadside stand means any structure or land used for sale of agricultural or horticultural produce, livestock or merchandise produced by the owner or his family on their farm.

School. See *Educational facility*.

Screening. See *Buffering*.

Setback means the minimum distance by which any building or structure must be separated from the front lot line.

Service bay means an enclosed or partially enclosed area where motor vehicles are parked while they are serviced or repaired.

Service stall means a non-enclosed area where motor vehicles are parked while they are serviced or repaired, which may be covered but not enclosed by walls or doors.

Shielded, fully means lighting fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.

Shelter means a facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

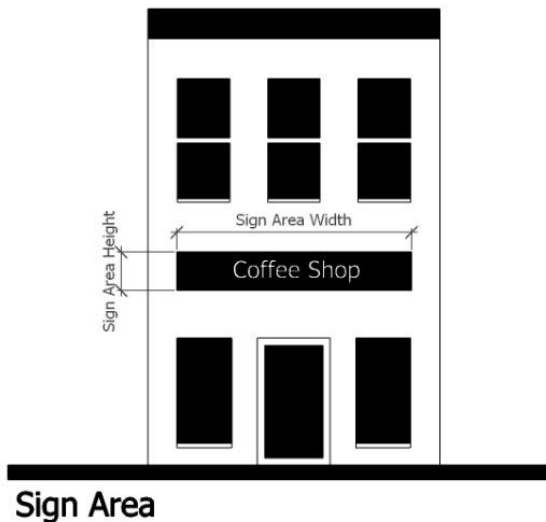
Shopping center means a group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

Short-term rental means a residential dwelling unit that is used or advertised for rent for transient occupancy in increments of 45 nights or less. This use does not include bed-and-breakfast establishments.

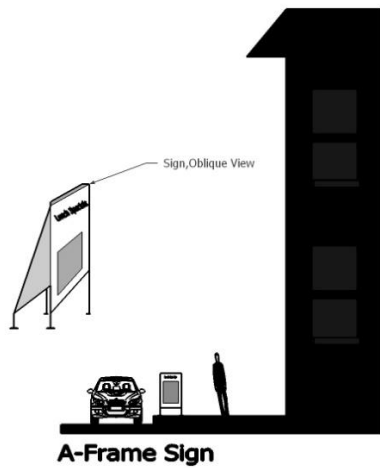
Sight triangle means a triangular-shaped portion of land established at street intersections and entrances onto streets in which nothing is permitted to be erected, placed, planted or allowed to grow in a manner that limits or obstructs the sight distance of motorists, bicyclists or pedestrians traversing or using the intersection or entrance.

Sign means a display designed or intended to convey information to the public in written or pictorial form where such display is made on, attached to, or as part of a structure, surface, or any other thing, including but not limited to the ground, any rock, tree, or other natural object which display is visible beyond the boundaries of the parcel of land on which it is made. The term shall not be construed to include any display of merchandise or temporary signage displayed within a show window. A display of less than one square foot in area is excluded from this definition.

Sign area means the entire face of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure. Sign area is calculated by standard mathematical formulas such as height times width for rectilinear signs, πr^2 for circular signs, and the applicable standard mathematical formula for other geometrical shapes. The area of any sign made up of individual letters or figures shall include the space between such letters or figures.



Sign, A-frame means a temporary, portable sign used at a place of business to provide information to pedestrians and slow-moving vehicles. The sign may be one or two sided.



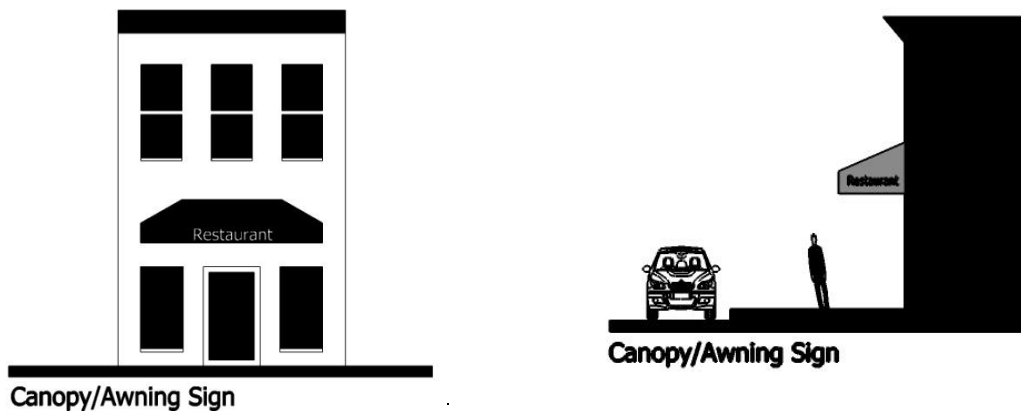
Sign, animated means a sign which changes physical position or involves the use of motion, rotation, or the appearance of motion.

Sign, awning. See *Sign, canopy.*

Sign, banner means a temporary sign made of cloth, paper, vinyl or like material attached to a wall so as to remain in a generally stationary position. Such signs are not permitted under this ordinance.

Sign, billboard. See *Sign, off-premises.*

Sign, canopy means a sign placed directly on or attached to the surface of an awning or canopy.



Sign, changeable means a sign or part of a sign that is designed so that characters, letters or illustrations can be mechanically or physically changed or rearranged without altering the face or surface of the sign.

Sign, directional means a sign giving directions or instructions to vehicular or pedestrian traffic but containing no commercial wording or text (i.e. entrance, exit, parking, loading and similar signage).

Sign, double-faced means a sign with two parallel or nearly parallel faces, back to back, upon which advertising is displayed.

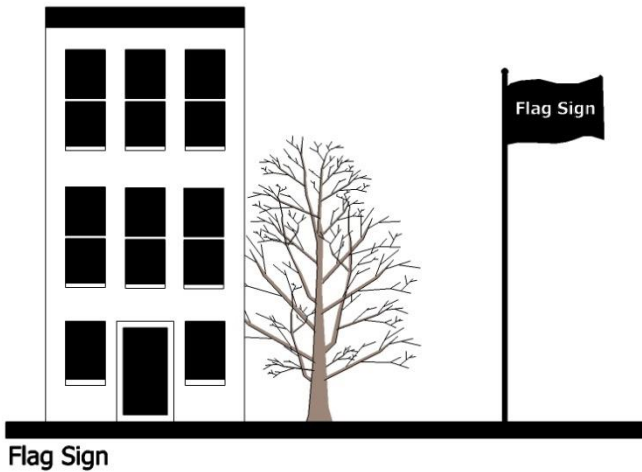


Sign, electronic message board means any sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes. Light produced by electronic signs shall not exceed 0.3 foot-candles over ambient light levels. All electronic signs shall have ambient light monitors that allow automatic adjustment of the brightness level of the sign based on ambient light conditions. In no case shall an electronic sign occupy more than 50 percent of the area of a permitted sign size.

Sign face means the area or display surface used for the message, not including any framing, trim or molding, or the support structure. Face area is calculated using the same mathematical formulas as for sign areas.

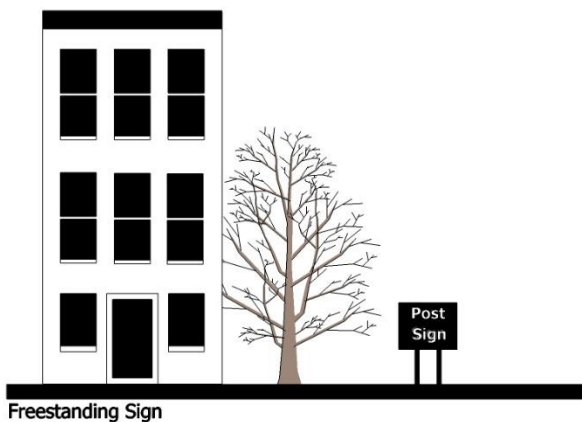
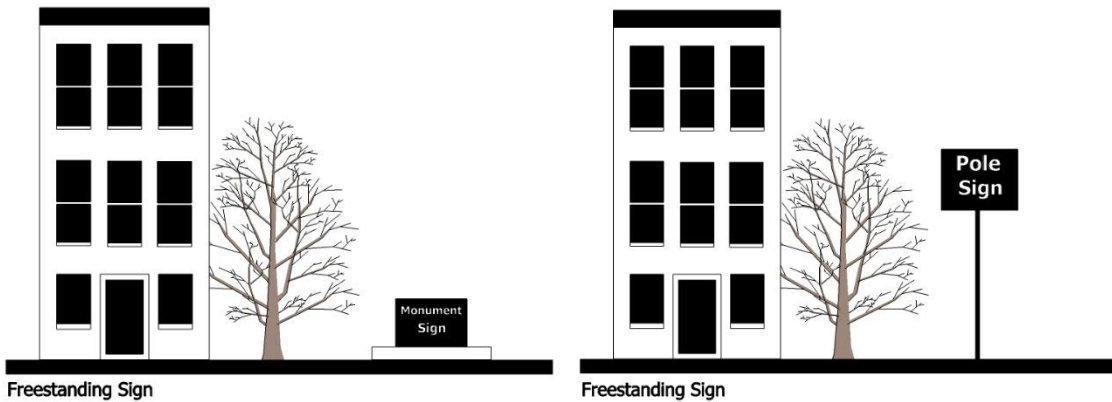


Sign, flag means cloth or similar flexible fabric attached to a pole at one end such that the material can bend or flutter from the point (s) of attachment.



Sign, flashing means any illuminated sign on which there is artificial light which is not stationary or constant in intensity or color at all times when such sign is in use.

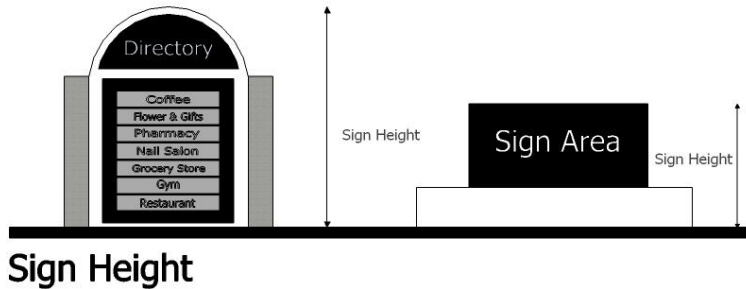
Sign, freestanding means a sign supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure, or a monument form without separate supporting elements.



Sign, government means government signs that are approved by the town council or installed for the public benefit by the town.

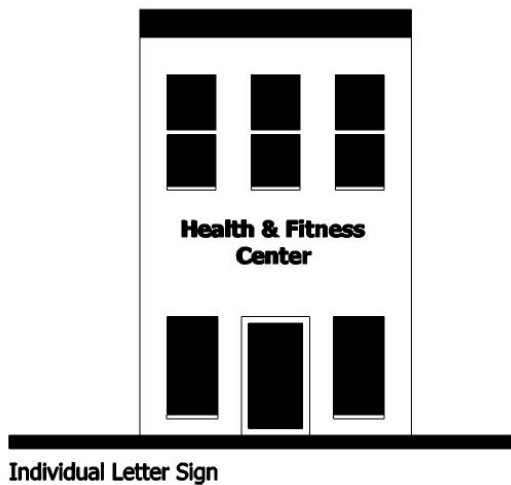
Sign, hanging see *Sign, projection*.

Sign height means distance measured in feet and inches from the ground below the sign to highest point of sign to include sign structure, or in the case of wall signs on upper floors, from the floor level immediately below the sign to the highest point of the sign. Artificially increasing the height of the sign by berming or mounding dirt or other material at the sign base is prohibited.



Sign, illuminated means a sign illuminated in any manner by an artificial light source, whether internally or externally lit. Externally illuminated signs are those that have a light source projecting onto the face of the sign either by downlighting or indirectly with fluorescent, halogen or a source that gives off natural white light. Internally illuminated signs are those that have a light source inside or behind the sign structure or sign face which projects lights through or from the sign face.

Sign, individual letter means a sign made up of letters only that are attached directly to the building.



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

Sign, minor means a wall or freestanding sign not exceeding one square foot in area, not exceeding four feet in height, and not illuminated. Examples include no trespassing signs, displays of building address, security warning signs, on-site directional signs, and or other similar signs.

Sign, mobile billboard means an off-site advertising sign mounted on a vehicle or trailer that can become part of traffic flow or be parked at specific locations. Neither vehicles nor trailers which advertise the company of their primary use nor campaign signs are considered mobile billboards.

Sign, monument means a freestanding sign supported primarily by internal structural framework mounted on the ground or integrated into landscaping or other solid structural features other than support poles, and the base of which is at least 75 percent of the total width of the sign. The width of the base cannot exceed twice the height of the total sign structure and not extend more than one foot beyond the outside edge of the face of the sign. In no case shall the height of the sign exceed eight feet from ground level.

Sign, moving or rotating means an environmentally activated sign or other display with mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to, pennant strings, streamers, spinners, propellers, and search lights. Hand held signs are not included. see *Sign, portable*.

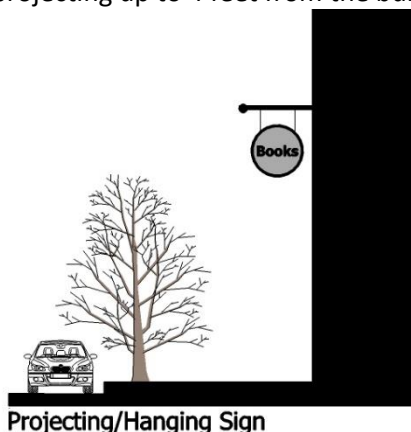
Nonconforming sign means any sign, the area, dimensions or location of which were lawful at the time the sign was erected, but which fail to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

Sign, off-premise means any sign, including billboards, which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected.

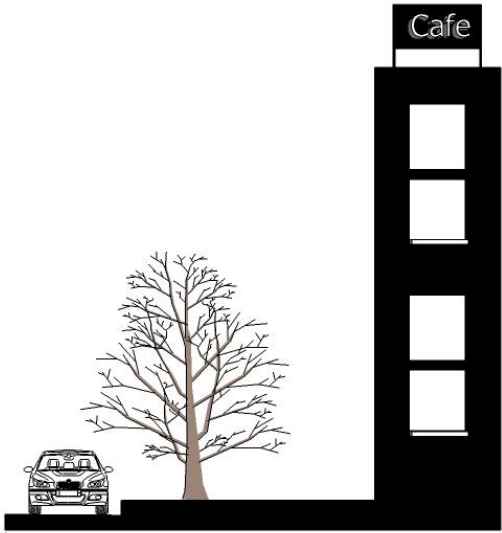
Sign, painted means any sign painted on the exterior surface of a building, including a mural sign.

Sign, portable means any sign not permanently affixed to a building, structure, or the ground. This category includes, but is not limited to, signs attached to or placed on vehicles not used for the daily conduct of the business, banners, balloons, and similar devices used to attract attention, including hand held signs.

Sign, projecting means a sign attached to a building, approximately perpendicular to the building wall, and projecting up to 4 feet from the building wall; also referred to as a hanging sign.

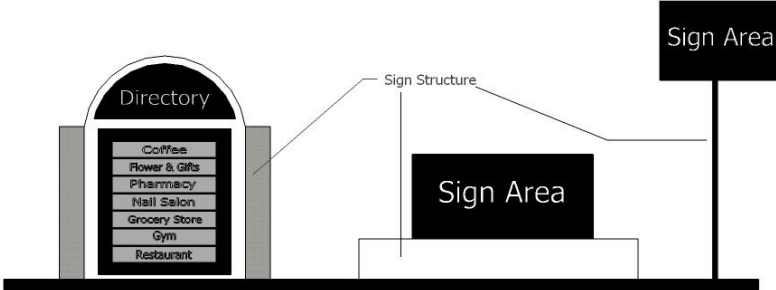


Sign, roof means any sign erected, constructed, and maintained wholly upon or over the roof of any building (such signs are not permitted under this ordinance).



Roof Sign (Not Permitted)

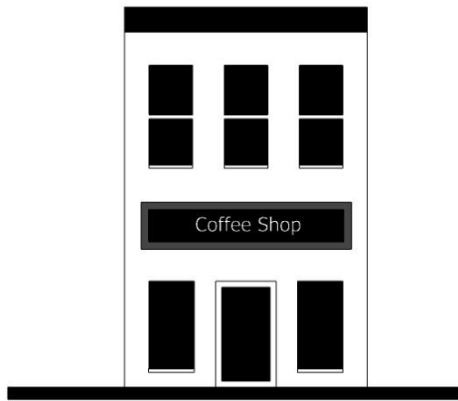
Sign, structure means the supports, uprights, bracing, and framework of any structure, be it single-faced, double-faced, V-type, or otherwise exhibiting a sign.



Sign Structure

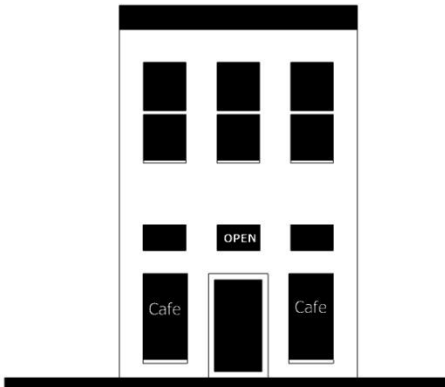
Sign, temporary means a sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period of time, regardless of type or style of sign. Examples include real estate signs, yard sale signs, contractor's signs, and special or one-time per year event signs.

Sign, wall means any signs or lettering, projecting not more than eight inches, which are placed against or attached to the front, rear, or side wall of a building, but shall not be painted or mural signs, or roof signs as defined herein.



Wall Sign

Sign, window means a sign painted, stenciled, or affixed on a window.



Window Sign

Site plan means a plan prepared by a professional engineer or land surveyor licensed by the state showing all proposed improvements to the site in accordance with this chapter.

Solar energy, small scale means a facility that either (a) generates less than 20 kilowatts (kW) electricity from sunlight, consisting of one or more photovoltaic (PV) systems and other appurtenant structures and facilities within the boundaries of the site, or (b) utilizes sunlight as an energy source to heat or cool buildings, heat or cool water, or produce electrical or mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy; and (c) meets at least one of the following criteria: has a disturbance zone equal to or less than one acre; is mounted on or over a building, parking lot, or other previously disturbed area; or utilizes integrated PV only.

Solar energy, medium scale means a facility that generates electricity from sunlight primarily to reduce onsite consumption of utility power for commercial and industrial applications. Sites are between one to three acres with maximum capacity of 999 kW.

Solar energy, utility scale means a facility that generates electricity from sunlight which will be used to provide electricity to a utility provider. Sites are generally over two acres and have a capacity in excess of one megawatt (1 MW).

Specialty Shop means a small-scale (less than 2,500 square feet per business) retail use which offers for sale items of art or crafts, or which offers for sale items related to a specific theme, e.g., kitchen wares, pet care, etc.

Special use permit means a permit approved by the town council for a use not granted by right under this chapter, but for a specifically listed purpose. Such permit issued only after public hearing, review and recommendation by the planning commission, and public hearing and review by council in accordance with standards or conditions and procedures included in this chapter.

Stand means the area within a lot upon which the manufactured home will be located. The stand must be paved, made of concrete, or be of a hard-surface, dust-free drained nonerosive surface. The stand shall have permanent water, sewer, power, and utility connections so that the manufactured home may be readily connected to them.

Store, adult means an establishment that: offers for sale or rent items from any of the following categories: adult media, sexually oriented goods, or goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes more than 15 percent of its stock in trade or occupies more than 15 percent of its gross public floor area; and where there is no on-site consumption of the goods, media or performances for sale or rent.

Store, convenience means a store offering for sale a limited selection and quantity of groceries and other articles normally found in grocery stores, and which may also offer, delicatessen or fast food items, and whose business is mostly dependent on quick stops by its customers. A convenience store operation may also include self-service gasoline sales when in accordance with all applicable requirements of this chapter.

- (1) The term "convenience store" does not include a store which is primarily or solely a restaurant.
- (2) The term "gasoline sales" does not include automobile or truck repairs.

Store, general means an establishment for display and sale of merchandise at retail.

Store, neighborhood commercial means an establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Neighborhood stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

Store, grocery means an establishment primarily engaged in the sale of unprepared food for personal or household preparation and consumption. Such a facility may also engage in incidental sales of prepared foods for personal consumption on-or off-site.

Store, liquor means any privately owned establishment (i) licensed by the Commonwealth of Virginia to sell liquor for off-premises consumption, but excluding breweries or distilleries as defined by this chapter, and (ii) in which liquor makes up more than 10 percent of its stock in trade or occupies more than 10 percent of its net floor area.

Store, specialty food means an establishment, such as a bakery, coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one type or line of food service.

Story means the portion of a building other than a cellar or mezzanine, included between the surface of any floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it; a mezzanine shall be deemed a full story when it covers more than 33 percent of the area of the story beneath the mezzanine or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more.

Story, half means a space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area and the ceiling next above it.

Street means a dedicated strip of land or right-of-way subject to vehicular or pedestrian traffic providing means of access to property.

Streetscape means the combination of buildings, uses, landscaping, and furniture located in the area that may either abut or be contained within a public or private street right-of way or access way that create the visual image of the street.

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

Street, privately maintained means any roadway that is restricted as to the hours of access by the general public or by those who may use it. The definition shall be construed to include public roads that are maintained by the individuals living along or otherwise served by the road or by a property owners association created for purposes including maintenance of streets.

Street, public means a street which affords principal means of access to abutting property, and encompassed by a right-of-way dedicated to public use and maintained by the Commonwealth as a part of the state primary or secondary road system. The right-of-way shall not be less than 50 feet.

Street, service drive means a public right-of-way generally parallel and contiguous to a major highway, primarily designed to promote safety by controlling ingress and egress to the right-of-way by providing safe and orderly points of access to the highway. Also referred to as a frontage road.

Strip, commercial development means linear commercial development along a public road.

Structural alteration means any change in the supporting members of a building or structure, such as bearing walls, partitions, columns, beams or girders, or any change in the width or number of exits, or any substantial change in the roof.

Structure, accessory means any structural addition to a building, which includes awnings, cabanas, patios, oriels, storage lockers, and similar appurtenant structures.

Structure, permanent means anything constructed or erected the use of which requires more or less permanent location on the ground, or which is attached to something having a permanent location on the ground, including advertising signs and billboards.

Structure, temporary means anything constructed or erected without a permanent foundation or footings and that extends eight inches or more above the adjacent yard surfaces, but excluding a Manufactured Home as defined by this chapter. The term includes, but is not limited to, gazebos, carports and sheds which are modular in nature and are delivered to the site and which may or may not have a foundation.

Structure, outdoor advertising, means any structure of any kind or character erected or maintained for outdoor advertising purposes, upon which any outdoor advertising sign may be placed, including also outdoor advertising statuary.

Subdivider means any person owning any parcel of land to be subdivided, or a group of two or more persons owning parcel of land to be subdivided, or a person or group of persons who has given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

Subdivision means the division of a parcel of land into one or more lots or parcels of less than five acres each for the purpose of transfer of ownership or building development or, if a new street is involved in such division, any division of a parcel of land. The term "subdivision" includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided. See also *Resubdivision*.

Surveyor, professional means a licensed professional surveyor, registered in the state by the state board for architects, professional engineers, land surveyors and landscape architects as a land surveyor.

Tattoo parlor and/or body piercing salon means any business that provides tattooing or body-piercing as those terms are defined in Virginia Code §54.1-700, as amended, or both tattooing and body-piercing.

Temporary family health care structure. See *Family health care structure, temporary*.

Theater, indoor, means a building designed and/or used primarily for the commercial exhibition of motion pictures to the general public or used for performance of plays, acts or dramas by actors and/or actresses.

Townhouse. See *Dwelling, townhouse*.

Tow service means establishment that provides for the removal and temporary storage of vehicles but does not include disposal, permanent disassembly, salvage, or accessory storage of inoperable vehicles.

Trailer means a vehicle without mode of power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle. For the purpose of this chapter, containerized cargo units designed to be placed upon and transported by a vehicle shall be construed to be trailers. The removal of wheels, tongues or hitches, or the placement on a foundation upon the ground shall not be deemed to change the character of a trailer.

Travel trailer means a vehicular, portable structure built on a chassis, as a temporary dwelling for travel, recreation, and vacation, having a body width not exceeding eight feet and being of any length, provided its gross weight does not exceed 4,500 pounds or being of any weight provided its body length does not exceed 29 feet.

Truck weighing station means an area of land used for weighing of freight and usually operated as an accessory use to other primary uses.

Use means the purpose or activity for which land or buildings thereon are designed or arranged, or for which land or buildings are occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this chapter.

Used includes the term "erected," "reconstructed," "altered," "placed" or "moved."

Utility service, major means service of a regional nature which normally entails the construction of new buildings or structures such as electric generating plants and sources, electrical switching facilities and stations or substations, community waste water treatment plants, and similar facilities. All overhead service, distribution and transmission lines are included in this definition.

Utility service, minor means service which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included in this use type are wireless communication antennas which are attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and which are not greater than 20 feet in length.

Variance means 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, and when a literal enforcement of this chapter will work undue hardships on the property owner.

- (1) A variance is authorized only for height, area and size of structure; or size of yards and open spaces.
- (2) A variance is not authorized for the establishment or expansion of a use otherwise prohibited. A variance shall not be granted because of the presence of nonconformities in the zoning district or adjoining districts, nor solely for the economic benefit of the person requesting such variance.

VDOT means the Virginia Department of Transportation.

Vegetative buffer means deciduous and evergreen plants, shrubs, or trees that are mature enough to act as an effective visual and audible buffer.

Vegetative filter strip means perennial vegetation established or left undisturbed adjacent to the shoreline of a watercourse intended to filter out sediment and other non-point source pollutants from runoff before it reaches a watercourse.

Veterinary hospital means a facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for such animals.

Warehousing and distribution means uses including storage, warehousing and dispatching of goods within enclosed structures or outdoors. Typical uses include wholesale distributors, e-commerce fulfillment centers, storage warehouses, and moving/storage firms.

Wetlands means waters of the United States, including land where, at least some of the time, water saturates the soil enough to result in a hydric soil (soil that is characterized by an absence of free oxygen some or all of the time). Wetlands limits must be determined in accordance with the current federally approved method of delineation.

Wholesale sales means an establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, industrial, commercial, institutional, or professional business users, or other wholesalers.

Winery means a facility licensed in accordance with Virginia Code §4.1-207, as amended, and the regulations promulgated by the Virginia Alcoholic Beverage Control Board to manufacture wine and to sell, and deliver or ship such wine in closed containers for the purpose of resale outside the state or by persons licensed by the state to sell the wine at wholesale. The use may include the licensed operation of distilling equipment on the premises to manufacture spirits from fruit or fruit juices only, where used solely to fortify wine produced by the winery. This use does not include a farm winery as allowed in Virginia Code §15.2-2283.3, as amended and licensed in Virginia Code §4.1-219, as amended.

Yard means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.

- (1) Front yard - 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.
- (2) Rear yard - 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.
- (3) Side yard –a yard between the side lot line and a line drawn generally parallel thereto at such distance as may be specified in this chapter for any district and extending from the setback line to the rear yard line. On a corner lot, the side yard adjacent to a street shall extend the full depth of every such lot.

Zero lot line development means a form of layout for single-family detached dwellings in which one edge of the dwelling coincides with one side property line, thereby creating a single side yard on one side of the dwelling, rather than two side yards, one on each side of the dwelling.

Zoning administrator. See Administrator.

Zoning map means the legally adopted zoning map of the town and all amendments thereto.

Zoning permit means a permit issued by the zoning administrator to the applicant before the applicant may proceed with any work affected by any provisions of this chapter or begin any uses of land and/or structures as permitted by this chapter.

Sections 66-60 – 66-390. Reserved.

Sections 66-391 – 66-425. Flood Plain District remains.

Section 66-426 – 66-510. Reserved.