

## Ordinance ORD2014-04

**AN ORDINANCE** to amend The Code of the Town of Ashland, Chapter 21 "Zoning," Article I "In General," Section 21-3 "Definitions" by adding Artist Studio. Ordinance No. 2014-02 also amends Article X "Central Business District, B-1," Section 21-92 "Use regulations," to add paragraph (50) to permit artist studio as a permitted use.

**WHEREAS**, the Planning Commission has held a public hearing on the 9 day of July 2014, advertised as required by Virginia Code Section 15.2 – 2204.

**NOW THEREFORE BE IT ORDAINED** by the Council of the Town of Ashland, Virginia that Section 21-3. "Definitions" shall be amended to read, as follows:

Black: Existing text

Red: New text

### Chapter 21. Article I. In General

#### Sec. 21-3. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Adult day care services.* An establishment, licensed either by the Virginia Department of Mental Health, Mental Retardation, and Substance Abuse as a day support service, or by the Virginia Department of Social Services as an adult day care center for the purpose of providing care, protection, recreation, and therapeutic services for disabled or elderly adults. Adult day care services are not intended to include any services provided as part of a probationary program or a substance abuse program.

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

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

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

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

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

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

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

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

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

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

*Amusement center.* A building, portion of a building or area outside of a building, where five (5) or more video game machines, pinball machines, pool or billiard tables or other similar player-operated amusement devices or any combination of five (5) or more such devices are

maintained for use by the public. A public billiard parlor or poolroom shall be considered an "amusement center."

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

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

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

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

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

*Automobile graveyard.* See "junkyard."

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

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

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

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

*Billboard.* See "sign, billboard."

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

*Boarding house.* A "rooming house."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Commission.* The planning commission of the town.

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

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

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

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

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

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

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

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

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

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

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

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

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

*Duplex.* A two-family dwelling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Sign, abandoned.* Any sign which:

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

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

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

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

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

*Sign, attached.* A sign which is painted on or attached flat against a wall or other vertical surface of a building or other structure, including the face of a permanently covered walkway or porch, and which sign extends no more than one (1) foot from the surface to which it is attached and does not extend beyond the extremities of such surface. Signs attached to the lower plane of a mansard or gambrel roof of a building or other structure shall be construed as attached signs, provided that such signs are attached flat to the roof surface or are parallel to the building or structure wall above which they are located, and do not extend beyond the extremities of the roof surface. The total area of attached signs located on a lot shall not exceed one and one-half (1½) square feet of sign area for each linear foot of main building/business frontage and such signs may be located on the main building or other structure on the lot. On a corner lot, the permitted sign area shall apply to each street frontage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Sign, roof.* A sign that is mounted on the roof of a building, or roof mounted equipment structure, which extends above the top edge of the wall of a flat-roofed building; above the eave line of a building with a hip, or gable roof; or above the deck line of a building with a mansard roof. Any sign attached to the lower plane of a gambrel or mansard roof shall be considered an attached sign as permitted within this article.

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

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

(a) *Political campaign signs.* Signs announcing candidates seeking public political office or other data pertinent thereto shall be permitted up to a total area of eighteen (18) total square feet for each lot in a residential district and individual signs shall not exceed six (6) feet in height. Political campaign signs shall be permitted up to a total area of thirty-two (32) square feet in a business or industrial zone. These signs shall be confined within private property and shall not encroach into the visibility triangle at street intersections. All signs must be located a minimum of ten (10) feet from the property line. Furthermore, political campaign signs are

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

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

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

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

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

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

(1) In all Residential Zones, temporary banners are not permitted on sites with houses, duplexes, and attached houses.

*Exception:* banners for holidays, religious commemoration, and special family events.

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

- i. In no case may a site or storefront have more than two (2) temporary banners.
- ii. In no case shall a temporary banner be larger than twenty (20) square feet in size.
- iii. A temporary banner may be displayed no longer than thirty (30) days per calendar year with the exception of an additional thirty (30) days for a new business.
- iv. Banners that do not meet the regulations of this subparagraph, must meet the standards for permanent signs.

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

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

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

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

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

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

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

*Special interest house.* A house that is designed specifically for students at Randolph-Macon College that have successfully applied for the college's special interest housing program. It is only applicable to Randolph-Macon College students who are in good standing and who are not

freshmen. A faculty advisor, along with staff from the college's residence life program must guide and supervise each special interest house.

*Specified anatomical areas.*

(1) Less than completely and opaquely covered:

- a. Human genitals, pubic region;
- b. Buttock; and
- c. Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

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

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

*Street or road.* A public thoroughfare.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Chapter 21. Article X. Central Business District (B-1)**

Sec. 21-92. Use regulations.

The following uses and structures shall be permitted in the Central Business District B-1:

- (1) Accessory uses as defined.
- (2) Apartments located above a commercial, retail or office use in the first floor, with a conditional use permit.
- (3) Automobile sales and service, with a conditional use permit.
- (4) Banks and financial institutions.
- (5) Churches.
- (6) Convenience stores, with a conditional use permit.
- (7) Day nursery or day care centers, with a conditional use permit.
- (8) Family care homes, group homes or foster homes serving mentally retarded or other developmentally disabled persons not related by blood or marriage.

- (9) Fire stations, with a conditional use permit.
- (10) Funeral homes.
- (11) Garages, public parking.
- (12) Personal service establishments such as, but not limited to barbershops, beauty parlors, tailors, automatic self-service laundries.
- (13) Laundry and cleaning services, off-site cleaning or drop off only.
- (14) Libraries, with a conditional use permit.
- (15) Museum and art galleries, with a conditional use permit.
- (16) Newspaper office buildings, including printing and publishing facilities incidental to such use.
- (17) Rest homes.
- (18) Off-street parking and loading areas in accordance with article XIX.
- (19) Office buildings.
- (20) Painting, plastering, paperhanging, plumbing or electrical contractors, where business is conducted entirely within a completely enclosed building and where there is no storage or supplies or equipment outside the building.
- (21) Pet shops, but excluding boarding kennels on the premises.
- (22) Philanthropic and charitable institutions.
- (23) Printing shops.
- (24) Private clubs and lodges, with a conditional use permit.
- (25) Manufacturing when incidental to a retail business. Conditional use permit required if manufacturing activity is over 2,500 square feet or 40% of floor area. Processing or manufacturing establishments that are not objectionable because of smoke, odor, dust or noise, but only when such processing or manufacturing is incidental to a retail business conducted on the premises, with a conditional use permit.
- (26) Indoor recreational facilities Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement, amusement centers with a conditional use permit.
- (27) Major utilities such as plant expansions, tanks, pump stations, or other buildings require a conditional use permit. See article XXII of this chapter for underground utility requirements.
- (28) Commercial radio or television broadcasting stations, studios or offices not requiring on-site receiving/transmitting antennae or towers.
- (29) Repair services or businesses, including repair of bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators and other home appliances, shoes, toys, typewriters, watches and clocks.
- (30) Rescue squads, with a conditional use permit.
- (31) Restaurants, excluding drive-in restaurants.
- (32) Retail stores and businesses.
- (33) Schools, with a conditional use permit.
- (34) Service stations, provided that all repairs take place in a fully enclosed building.
- (35) Signs in accordance with article XX.
- (36) Storage of materials and supplies incidental to the conduct of any use listed above; provided such storage is entirely enclosed and is conducted in the same building as the business to which it is incidental or in a building immediately adjacent thereto.
- (37) Tourist homes, a conditional use permit.
- (38) Townhouses and multifamily dwelling units in accordance with section [21-98](#) of this article.
- (39) Theaters, motion pictures and assembly halls, but excluding drive-in theaters.
- (40) Wholesale businesses, with a conditional use permit.
- (41) Mini-storage facilities, with a conditional use permit.
- (42) Hotels with fewer than twenty (20) rooms, with a conditional use permit.
- (43) Fireworks sales, with a conditional use permit.

- (44) Parks and playgrounds, with a conditional use permit.
- (45) Farmer's markets, with a conditional use permit.
- (46) Business apartment.
- (47) Dental labs, with a conditional use permit.
- (48) Police stations, with a conditional use permit.
- (49) Bingo games, with a conditional use permit.
- (50) Artist studio

(9-22-87; 8-8-89; § 1, 4-24-90, § 1, 6-14-94, § 1; 4-25-95, § 7; 12-10-96, § 8; 6-23-98(2), § 1; 4-27-99(2), § 1; 10-16-02; 1-13-04(1); 1-13-04(2); 2-17-04, § A1; 6-15-10)

BE IT FURTHER ORDAINED by the Town Council that the amendments herein of the Code of the Town of Ashland shall be effective immediately upon adoption.

Introduced:

Advertised:

Planning Commission:

Herald Progress: June 26, 2014 & July 3, 2014

Town Council:

Herald Progress: June 26, 2014 & July 3, 2014

Public Hearing:

Planning Commission: July 9, 2014

Town Council: July 15, 2014

Adopted: July 15, 2014

Effective: