

Open space, usable landscaped, means that space on the same lot or lots contiguous to the principal building, except as noted in this article, which is either landscaped with shrubs, planted with grass, or developed and maintained for recreation purposes, and excludes that portion of the lot which is utilized for off-street parking purposes.

Overhang means any projection, either roof, bay window, or similar cantilevered construction, which extends beyond the foundation of a structure. No such construction shall project into any required yard more than three feet, and no such projection shall have a vertical surface whose area is more than 25 percent of the area obtained by multiplying the mean height of the structure by the length of the structure along the yard involved.

Parking space means an area of not less than ten feet wide by 20 feet long for each 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 vehicles.

Permanent foundation means outside perimeter wall on all four (4) sides of block or masonry with footers to be at least two (2) feet below finished grade.

Porch means an open unenclosed stoop or paved terrace which may project into a front or rear yard for a distance not exceeding eight feet, and into a side yard for a distance not exceeding five feet.

Professional office means a structure used by a person in offering a service which requires specialized knowledge gained by intensive academic preparation such as medicine, law, engineering, dentistry, and other like endeavors, excepting any funeral home, or any establishment where goods are offered for sale.

Public utility means any person, firm, corporation, municipal department, or board duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public, including but not limited to cable TV, electricity, gas, steam, communications, telegraph, telephone, transportation, water, or like utilities.

Restaurant means any building other than a drive-in restaurant in which, for compensation, food or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tearooms, confectionery shops, and refreshment stands.

Restaurant, drive-in, means any place or premises used for the sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where

customers may serve themselves and may eat or drink the food, refreshments or beverages in motor vehicles on the premises; a refreshment stand; a fast food or primarily a carryout establishment. Food may also be eaten inside.

Retail stores and shops means buildings for the display and sale of merchandise at retail or for the rendering of personal services, but specifically exclusive of coal, wood, oil storage, lumberyards, contractors' storage yards, and any use involving hazardous or explosive materials.

Roominghouse, lodginghouse and *tourist home* mean a building, other than a hotel, where lodging is provided for three or more persons for compensation pursuant to previous arrangements, but not open to the public or transients.

Sectional home. See *Dwelling unit*.

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

Shopping center means a group of stores, four or more in number, planned and designed as an integrated unit with off-street parking provided on the property as an integral part of the unit. The term "shopping center" also means a single store or a group of stores less than four in number where the total floor area of the store or group of stores exceeds 12,000 square feet. See section 50-106.

Sign means any display of any letters, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby such are made visible for the purpose of making anything known, whether such display is made on, attached to, or as a part of a structure, surface, or any other thing.

Sign, area of, means the entire area within a circle, triangle, parallelogram, or trapezoid enclosing the extreme limits of writing, reproduction, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports of uprights on which such sign is placed. On double-faced signs, only one display face shall be measured in computing total sign area where sign faces are parallel and are at no point more than two feet from one another.

Sign, business, means a sign which directs attention to a business, commodity, service, activity, or product sold, conducted or offered upon the premises where such sign is located.

Sign, home occupation, means a sign not exceeding two square feet in area on each side directing attention to a product, commodity, or service available on the premises, but which product, commodity, or service is clearly a secondary use of the dwelling.

Sign, identification, means a sign on the premises bearing the name of a subdivision; the name of a group housing project; or the name of a school, college, park, church, or other public or quasipublic facility; or a professional or firm nameplate, but bearing information pertaining only to the premises on which such sign is located.

Sign, outdoor advertising, means any sign of any material and any character whatsoever, which is placed, including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing, or making visible in any manner, for outdoor advertising purposes in any way whatsoever.

Sign, temporary, means a sign applying to a seasonal or other brief activity, such as but not limited to summer camps, horse shows, auctions, or sale of land.

Special use permit means a permit granted by the town council, upon review and recommendation of the planning commission, for a use permitted by the council to occupy land and/or buildings erected thereon for a specific purpose not permitted by right, but in accordance

with standards or conditions and procedures included in this article.

Story means that 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, 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 is finished off for use.

Street and *road* mean a public thoroughfare, except a driveway, which affords vehicular traffic circulation and principal means of access to abutting property.

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

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

Structure. See *Building*.

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.

Subdivision means the division of a parcel of land into two or more parcels for the purpose of transfer of ownership or building development. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

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, dramas by actors and/or actresses.

Townhouse means at least three and not more than eight attached dwellings forming a continuous structure, each dwelling being separated by unpierced common or party walls or masonry construction going to the roof of the dwelling, void of windows or means of ingress or egress from the basement to the roof, with individual exterior entrances at grade and with not more than four abutting townhouses or dwellings having the same front yard setback.

Use means the purpose or activity for which land is or buildings thereon are designed or arranged, or for which land is or buildings are occupied or maintained.

Variance means a relaxation of the terms of this article by the board of zoning appeals, in accordance with the procedures contained in this article.

Yard means an open space unoccupied and unobstructed from the ground upward except as otherwise provided in this article.

Yard, front, means a yard extending across the full width of the lot and lying between the front property line and the building setback line.

Yard, rear, means a yard extending across the full width of the lot and lying between the rear property line of the lot and the rear yard setback line.

Yard, side, means a yard between the side lot line and the side yard setback line. On a corner lot the side yard adjacent to a street shall extend the full depth of every such lot.

Zoning administrator. See *Administrator*.

Zoning map means the official zoning map of the town and all amendments thereto. See section 50-34.

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

(c) *Definition disputes.* If there is any dispute over the meaning of a word, phrase, or sentence, whether defined in this section or not, the administrator is hereby authorized to make a definitive determination thereof, being guided in such determination by the purposes and intent of this article as set forth; provided, however, that an appeal may be taken from any such determination as provided in division 5 of this article.

(Ord. of 6-11-1996, § 23-3; Ord. of 7-27-1999; Ord. of 6-27-2000(1); Ord. of 1-13-2004; Ord. of 3-8-2005)

Cross References: Definitions generally, § 1-2.

Sec. 50-34. Official zoning map.

(a) *Adoption by reference.* The town is hereby divided into zones, or districts, as shown on the official zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this article, together with all future notations, references, and amendments.

(b) *Identification.* The official zoning map shall be identified by the signature of the town council and attested to by the town clerk, together with the date of the adoption of this

article.

(c) *Changes.* If, in accordance with this article and the Code of Virginia, changes are made in district boundaries or other matters portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the town council. No changes of any nature shall be made on the official zoning map or matter shown thereon except in conformity with the procedures set forth in this article or any state law, if applicable. All changes shall be noted on the official zoning map by date with a brief description of the nature of the change. Such change shall also be reflected in the minutes of the town council meeting at which the change is adopted.

(d) *Location.* The official zoning map shall be located in the town offices and shall be the final authority as to the current zoning status of land and water areas in the town, regardless of unofficial copies which may have been made or published from time to time.

(e) *Replacement.* If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the town council may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior zoning map, but no such correction shall have the effect of amending the original official zoning map or any subsequent amendment thereof. Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendments.

(Ord. of 6-11-1996, § 23-4)

Sec. 50-35. Zoning districts

For the purposes of this article, the incorporated area of the town is hereby divided into the following districts:

Residential district

R-1

Residential district

R-2

Residential district

R-3

General commercial district

C

Industrial district

I

Floodplain conservation district

Overlay

(Ord. of 6-11-1996, § 23-5)

Sec. 50-36. Interpretation

Unless zoning 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 described in section 50-35 as shown on the zoning map, the following rules shall apply:

(1) *Boundaries relating to rights-of-way and lot lines.* Where district boundaries are indicated as approximately following or being at right angles to the centerlines of streets, highways, alleys, or railroad main tracks, existing lot lines, such centerlines or lines at right angles to such centerlines, as the case may be, shall be construed to be such boundaries.

(2) *Boundaries relating to bodies of water.* Where a district boundary is indicated to follow a river, creek, or branch or other body of water, the boundary shall be construed to follow the centerline at low water or at the limits of the jurisdiction, and if the shoreline changes such boundary shall be construed as moving with the actual shoreline.

(3) *Other boundaries.* If no distance, angle, curvature, description or other means is given to determine a boundary line accurately and subsections (1) and (2) of this section do not apply, the boundary shall be determined by the use of the scale shown on the zoning map.

(4) *Boundary disputes.* If dispute occurs, application may be made to the board of zoning appeals in accordance with this article, which board shall then determine such boundary.

(Ord. of 6-11-1996, § 23-6; Ord. of 6-27-2000)

Sec. 50-37. Temporary zoning for annexed property.

In case of annexation to the town, or in case property comes into the territorial jurisdiction of the town other than by annexation, the regulations applying to each such parcel of land pursuant to the existing zoning districts of the county, inclusive of special use permits, and special use permit conditions and regulations, shall temporarily be construed to apply to each parcel of land in such annexed or new territory within the town. Within nine months after the effective date of any court order changing the town's boundaries, such property shall be reclassified within one or more town zoning districts.

(Ord. of 11-14-2006)

Secs. 50-38--50-65. Reserved.

DIVISION 2.

DISTRICT REGULATIONS

Sec. 50-66. Residential district R-1.

(a) *Statement of intent.* The R-1 residential district is composed of quiet, low-density residential areas plus undeveloped areas where similar residential construction appears likely to occur. The standards set forth for this district are designed to stabilize and protect the essential character of the areas so delineated, to promote and encourage a suitable environment for family life where there are children, and to prohibit all commercial activities. Development is, therefore, limited to relatively low concentration, and permitted uses are limited to single-unit dwellings, plus selected additional uses such as schools, parks, and certain public facilities that serve the residents of the district.

(b) *Uses permitted by right.* Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in residential district R-1. Uses permitted by right are as follows:

(1) Single-family dwellings.

(2) Parks and playgrounds.

(3) Off-street parking for permitted uses in the district as set forth in section 50-103.

(4) Accessory buildings as defined; however, garages, carports, porches and stoops attached to the main building shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five feet to any property line or to any other structure.

(5) Pipes, meters, and other facilities necessary for the provision and maintenance of town water and sewer services and poles and lines for electric service to properties adjoining such facilities.

(6) Signs as set forth in section 50-105.

(7) Fences as set forth in section 50-101.

(c) *Uses permitted by special use permit.* Uses permitted by special use permit are as follows:

(1) Schools.

(2) Churches

(3) Home occupations, in accordance with section 50-112.

(d) *Area regulations.* Area regulations are as follows:

(1) On-site water and/or sewer: three-fourths acre, or such additional area as may be required by the department of health.

(2) Public water and public sewer: 10,000 square feet.

(e) *Frontage.* The minimum lot width at the setback line shall be 75 feet.

(f) *Yard setbacks.* Yard setbacks are as follows:

(1) *Front.* Each front yard shall be located 35 feet or more from any street

right-of-way.

(2) *Side.* Each side yard shall be a minimum of ten feet.

(3) *Rear.* Each rear yard shall be a minimum of 30 feet in depth.

(g) *Height.* Height shall be as follows:

(1) Buildings may be erected up to 2 1/2 stories, but shall not exceed 35 feet in height.

(2) Schools may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, municipal water towers, chimney flues, flagpoles, parapet walls, televisions antennae, and radio aerials are exempt.

(4) No accessory building which is within 20 feet of any party lot line shall be more than one story high. All accessory buildings shall be less than the main building in height.

(h) *Corner lots.* Special provisions for corner lots are as follows:

(1) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The minimum side yard on the side facing the side street shall be 35 feet.

- (3) Each corner lot shall have a minimum width at the setback line of 100 feet.

(Ord. of 6-11-1996, § 23-7)

Sec. 50-67. Residential district R-2.

(a) *Statement of intent.* The R-2 residential district is composed of medium-density residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the essential character of the areas so designated, to promote and encourage, insofar as compatible with the intensity of land use, a suitable environment for family life. Development is, therefore, limited to low to medium density, and permitted uses are limited to single- and two-family dwellings plus selected additional uses such as schools, parks, churches, and certain public facilities that serve the residents of the district.

(b) *Uses permitted by right.* Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in residential district R-2. Uses permitted by right are as follows:

- (1) Single-family dwellings.

(2) Parks and playgrounds.

(3) Off-street parking for permitted uses in the district as set forth in section 50-103.

(4) Accessory buildings permitted as defined; however, garages or other accessory structures, such as carports, porches, and stoops, attached to the main building shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five feet to any property line or to any other structure.

(5) Pipes, meters and other facilities necessary for the provision and maintenance of town water and sewer services, and poles and lines for electric service to properties adjoining such facilities.

(6) Signs as set forth in section 50-105.

- (7) Fences as set forth in section 50-101.

(c) *Uses permitted by special use permit.* Uses permitted by special use permit are as follows:

- (1) Two-family dwellings.

- (2) Schools.

- (3) Churches.

- (4) Boardinghouses.

(5) Home occupations, in accordance with section 50-112.

(6) Beauty shops and barbershops.

(d) *Area regulations.* Area regulations are as follows:

(1) All lots must be served by public water and sewer.

(2) The minimum lot area shall be 7,500 square feet for all permitted uses.

(3) Each unit in a two-family structure arranged side by side shall be given 3,750 square feet of lot area.

(e) *Setbacks.* Structures shall be located 30 feet or more from any street right-of-way; however, no building need be set back more than the average of the setbacks of the adjacent structures on either side unless as otherwise required by the town. A vacant lot 50 feet or more in width shall be assumed to be occupied by a building having a minimum setback. This shall be known as the setback line.

(f) *Frontage.* The minimum lot width at the setback line shall be 50 feet.

(g) *Yards.* Size of yards shall be as follows:

(1) *Side.* Each side yard shall be at least ten feet.

(2) *Rear.* The minimum rear yard shall be 25 feet.

(h) *Height.* Height shall be as follows:

(1) Buildings may be erected up to three stories, but not to exceed 35 feet in height.

(2) Schools or churches may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 35 feet.

(3) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, parapet walls, television antennae and radio aerials are exempt.

(4) Accessory buildings over one story in height shall be at least ten feet from any lot line. All accessory buildings shall be less than the main building in height.

(i) *Corner lots.* Special provisions for corner lots are as follows:

(1) Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.

(2) The minimum side yard on the side facing the side street shall be 30 feet.

(3) Each corner lot shall have a minimum width at the setback line of 100 feet.

(Ord. of 6-11-1996, § 23-8)

Sec. 50-68. Residential district R-3.

(a) *Statement of intent.* The R-3 residential district is composed of high-density residential uses and open areas where similar development appears likely to occur. The standards for this district are designed to stabilize and protect the character of the area so designated and create areas for apartment and townhouse construction along with an appropriate living environment. These areas are located close to employment, shopping, and other community facilities. Development is limited to high-density residential uses of various types, plus selected additional uses such as schools, parks, churches, and certain public facilities.

(b) *Uses permitted by right.* Only one use and its accessory buildings and/or uses may be erected on any lot or parcel of land in residential district R-3. Uses permitted by right are as follows:

(1) Single-family dwellings.

(2) Two-family dwellings.

(3) Parks and playgrounds.

(4) Public, semipublic or governmental buildings.

(5) Off-street parking for permitted uses in the district as set forth in section 50-103.

(6) Accessory buildings as defined; however, garages, or other accessory structures, such as carports, porches, and stoops attached to the main building, shall be considered part of the main building. Accessory buildings may be located in a rear yard area, but shall not be located closer than five feet to any property line or to any other structure.

(7) Pipes, meters, and other facilities necessary for the provision and maintenance of town water and sewer services, and poles and lines for electric services to properties adjoining such facilities.

(8) Signs as set forth in section 50-105.

- (9) Fences as set forth in section 50-101.

(c) *Uses permitted by special use permit.* Uses permitted by special use permit are as follows:

- (1) Townhouses as set forth in section 50-107.
- (2) Apartments as set forth in section 50-108.
- (3) Home occupations, in accordance with section 50-112.
- (4) Schools.

(5) Churches.

(6) Nursing and/or convalescent homes as set forth in section 50-109.

(7) Professional offices as set forth in section 50-110.

(8) Conversion of a structure originally intended and designed for occupancy as a single-family dwelling into a structure with a maximum of three dwelling units.

(9) Group homes for more than eight people.

(d) *Area regulations.* Area regulations are as follows:

(1) The minimum lot area shall be 7,500 square feet for freestanding one- or two-family or converted three-family detached structures.

(2) Each unit in a two-family structure arranged side by side shall be given 3,750 square feet of lot area.

(3) The minimum lot areas for townhouse and apartment construction are set forth in sections 50-107 and 50-108, respectively.

(4) The minimum lot area for other permitted uses shall be 7,500 square feet or as otherwise specified.

(e) *Setbacks.* Structures shall be located 30 feet or more from any street right-of-way; however, no building need be set back more than the average of the setbacks of the adjacent structures on either side unless as otherwise required by the town. A vacant lot 50 feet or more in width shall be assumed to be occupied by a building having a minimum setback.

This shall be known as the setback line.

(f) *Frontage.* The minimum width at the setback line shall be 50 feet.

(g) *Yards.* Size of yards shall be as follows:

(1) *Side.* Each side yard shall be a minimum of ten feet.

(2) *Rear.* The minimum rear yard shall be 25 feet.

(h) *Height.* Height shall be as follows:

(1) Buildings may be erected up to four stories, but not to exceed 45 feet in height.

(2) A public or semipublic building such as a school, church, or library may be erected to a height of 60 feet from grade, provided that required front, side, and rear yards shall be increased one foot for each foot in height over 45 feet.

(3) Church spires, belfries, cupolas, municipal water towers, chimneys, flues, flagpoles, parapet walls, television antennae and radio aerials are exempt.