

CHAPTER 18

ZONING

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Article I. In General.

Section 18-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Accessory use or structure. A subordinate use or structure customarily incidental to and located upon the same lot occupied by the main use or building.

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

Administrator, the. The official charged with the enforcement of the zoning chapter. He may be any appointed or elected official who is by formal resolution designated to the position by the town council. He may serve with or without compensation as determined by the town council.

Agriculture. The tilling of the soil, the raising of crops, horticulture, forestry, and gardening, including the keeping of animals and fowl, and including any agricultural industry or business, such as fruit packing plants, ariries or similar use.

Alteration. Any change in the total floor area, use, adaptability, or external appearance of an existing structure.

Apartment house. A building used or intended to be used as the residence of three or more families living independently of each other.

Automobile graveyard. Any lot or place which is exposed to the weather upon which more than five motor vehicles of any kind, incapable of being operated, are placed.

Basement. A story having part but not more than one-half of its height below grade. A basement shall be counted as a story for the purpose of height regulations, if it is used for business purposes, or for dwelling purposes by other than a janitor employed on the premises.

Boarding house. A building where, for compensation, lodging and meals are provided for at least five and up to fourteen persons.

Building. Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals or chattels.

Building, accessory. A subordinate structure customarily incidental to and located upon the same lot occupied by the main structure. No such accessory building shall be used for housekeeping purposes.

Building, height of. The vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the structure to the highest point of the roof in a flat roof, to the deck line of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building.

Building, main. The principal structure or one of the principal buildings on a lot, or the building or one of the principal buildings housing the principal use on the lot.

Cellar. A story having more than one-half of its height below grade and which may not be occupied for dwelling purposes.

Commission, the. The planning commission of the town.

District. Districts as referred to in the Code of Virginia, §15.1-486.

Dwelling. Any structure which is designed for use for residential purposes, except motels, boarding houses, lodging houses, tourist cabins apartments and automobile trailers.

Dwelling, multiple-family. A structure arranged or designed to be occupied by more than one family.

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

Dwelling, single-family. A structure arranged or designed to be occupied by one family, the structure having only one dwelling unit.

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

Dump heap (trash pile). Any area of one hundred square feet or more lying within one thousand feet of a state highway, a residence, a dairy barn or food handling establishment where trash, garbage or other waste or scrap material is dumped or deposited without being covered by a sanitary fill.

Family. One or more persons occupying a premises and living in a single dwelling unit, as distinguished from an unrelated group occupying a boarding house, lodging house, tourist home or hotel.

Frontage. 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 building setback as defined and required herein.

Garage, private. Accessory building designed or used for the storage of not more than three automobiles owned and used by the occupants or the building to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of one and one-half times as many automobiles as there are dwelling units.

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

General store, country. A single store, the ground floor area of which is four thousand square feet or less and which offers for sale primarily, most of the following articles: Bread, milk, cheese, canned and bottled foods and drinks, tobacco products, candy, papers and magazines, and general hardware articles. Gasoline may also be offered for sale but only as a secondary activity of a country general store.

Guest room. A room which is intended, arranged or designed to be occupied, or which is occupied, by one or more guests paying direct or indirect compensation therefor, but in which no provision is made for cooking. Dormitories are excluded.

Historical area. As indicated on the zoning map to which the provisions of the chapter apply for protection of a historical heritage.

Hog farm. A farm where hogs are kept and fed primarily on garbage transported from other places.

Home garden. A garden in a residential district for the production of vegetables, fruits and flowers generally for use or consumption by the occupants of the premises.

Home occupation. Any occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display, and no one is employed other than members of the family residing on the premises, such as the rental of rooms to tourists, the preparation of food products for sale, and similar activities; professional offices such as medical, dental, legal, engineering and architecture conducted within a dwelling by the occupant.

Hotel. A building designed or occupied as the more or less temporary abiding place for fourteen or more individuals who are, for compensation, lodged, with or without meals, and in which provision is not generally made for cooking in individual rooms or suites.

Junk yard. The use of any area of land lying within one hundred feet of a state highway or the use of more than two hundred feet of land area in any location for the storage, keeping, or abandonment of junk including scrap metals or other scrap materials. The term junk yard shall include the term automobile graveyard.

Kennel. A place prepared to house, board, breed handle or otherwise care for dogs for sale or in return for compensation.

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 yards, open spaces, lot width and lot areas as are required by this chapter, and having frontage upon a street, 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 or more streets at their intersection. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two 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 streets.

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

Lot, width of. The average horizontal distance between side lot lines.

Lot or record. A lot which has been recorded in the clerk's office of the Circuit Court.

Manufacture and/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.

Mobile home. A single-family dwelling designed for transportation, after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy; except for mine and incidental unpacking and assembly operation, location on jacks or permanent foundations connection to utilities and the like.

Mobile home park or subdivision. Any area of more than ten acres or designed to accommodate twenty or more mobile homes intended for residential use where residence is in mobile homes exclusively.

Nonconforming activity. The otherwise legal use of a building or structure or a tract of land that does not conform to the use regulations of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nonconforming lot. An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

Nonconforming structure. An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this chapter, or is designed or intended for a use that does not conform to the use regulations of this chapter, for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.

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

Pen. A small enclosure used for the concentrated confinement and housing of animals or poultry; a place for feeding and fattening animals; a coop. Enclosed pasture or range with an area in excess of one hundred square feet for each hog or small animal or two hundred square feet for each larger animal shall not be registered as a pen.

Public water and sewer systems. A water or sewer system owned and operated by the town, a municipality or county, or owned and operated by a private individual or a corporation approved by the town council and properly licensed by the State Corporation Commission, and subject to special regulations as herein set forth.

Required open space. Any space required in any front, side or rear yard.

Restaurant. Any building in which for compensation, food, or beverages are dispensed for consumption on the premises, including, among other establishments, cafes, tea rooms, confectionary shops or refreshment stands.

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), such as the following, which will serve as illustration: Drug store, newstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store, florist, optician, music and radio store, tailor shop, barbershop and beauty shop.

Sawmill. A portable sawmill located on private property for the processing of timber cut only from that property or from property immediately contiguous and adjacent thereto.

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

Sign. Any display of any letter, words, numerals, figures, devices, emblems, pictures, or any parts or combinations thereof, by any means whereby the same are made visible for the purpose of making anything known whether such display be made on, attached to, or as a part of a structure, surface or any other thing, including but not limited to, the ground, any rock, tree, or other natural object, which display is visible beyond the boundaries of the parcel of land on which such display is made. A display of less than one square foot in area is excluded from this definition.

Business. A sign which directs attention to a product, commodity or service available on the premises.

Directional. One (one of which may be pointed, or on which an arrow may be painted), indicating the direction to which attention is called four square feet or less in area, giving the name only of the firm, or business responsible for the erection of such sign.

General advertising. A sign which directs attention to a product, commodity or service not necessarily available on the premises.

Home occupation. A sign not exceeding four square feet in area directing attention to a product, commodity, or service available on the premises, but which products, commodity or service is clearly a secondary use of the dwelling.

Location. A sign which directs attention to the approximate location of an establishment from which the advertised product may be obtained.

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

Sign, temporary. 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. Temporary signs shall conform in size and type to directional signs.

Store. See retail stores and shops.

Story. That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor above it, the space between the 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 feet above the top floor level, and in which space not more than two-thirds of the floor level area is finished off for use.

Street, road. A public thoroughfare which afforded principal means of access to abutting property.

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. This included, among other things, dwellings, buildings, signs, etc.

Tourist court, auto court, motel, autel, cabins, or motor lodge. One or more buildings containing individual sleeping rooms, designed for or used temporarily by automobile tourists or transients, with garage or parking space conveniently located to each unit. Cooking facilities may be provided for each unit.

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

Travel trailer. A mobile unit less than twenty-nine feet in length and less than four thousand five hundred pounds in weight which is designed for human habitation.

Use, accessory. A subordinate use, customarily incidental to and located upon the same lot occupied by the main use.

Variance. 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 or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

Wayside stand, roadside stand, wayside market. Any structure or land used for the sale of agriculture or horticulture produce, livestock or merchandise produced by the owner or his family on their farm.

Yard. An open space on the same lot ~~either a driveway or court~~ unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

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.

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.

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

Section 18-2. Administration of chapter.

This chapter shall be enforced by the zoning administrator who shall be appointed by the town council. The administrator shall serve at the pleasure of that body. Compensation for such shall be fixed by resolution of the town council.

Section 18-3. Interpretation of zoning map.

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

(a) Where district boundaries are indicated as approximately following or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center lines or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

(b) Where a district boundary is indicated to follow a river, a creek or branch or other body of water, said boundary shall be construed to follow the center line at low water or at the limit of the jurisdiction, and in the event of change in the shoreline, such boundary shall be construed as moving with the actual shoreline.

(c) If no distance, angle, curvature description or other means is given to determine a boundary line accurately and the foregoing provisions do not apply, such boundary line shall be determined by the use of the scale shown on said zoning map. In case of subsequent dispute, the matter shall be referred to the board of zoning appeals which shall determine the boundary.

Section 18-4. Amendments to chapter.

The regulations, restrictions and boundaries established in this chapter may, from time to time, be amended, supplemented, changed, modified, or repealed by a favorable majority of votes of the town council provided that:

(a) A public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

(b) Notice shall be given of the time and place of such hearings by publication in at least two issues of some newspaper having a general circulation in the town. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than five days or more than ten days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.

(c) Changes shall be made by the town council in this chapter or the zoning map only after such changes have been referred to the Planning Commission, unless a period of thirty days has elapsed after the date of referral to the commission, after which time it may be assumed that the commission has approved the change or amendment.

Section 18-5. Zoning Permits.

(a) Buildings or structures shall be started, reconstructed, enlarged or altered only after a zoning permit has been obtained from the administrator.

(b) The Commission may request a review of the the zoning permit approved by the administrator in order to determine if the contemplated use is in accordance with the district in which the construction lies.

(c) Each application for a zoning permit shall be accompanied by three copies of a scale drawing. The drawing shall show the size and shape of the parcel of land on which the proposed building is to be constructed, the nature of the proposed use of the building or land, and the location of such building or use with respect to the property lines of said parcel of land and to the right of way of any street or highway adjoining said parcel of land. ~~Any other information which the administrator may deem necessary~~ for consideration of the application may be required. If the proposed building or use is in conformity with the provisions of this chapter a permit shall be issued the applicant by the administrator. One copy of the drawing shall be returned to the applicant with the permit.

Section 18-6. Certificate of occupancy required.

Land may be used or occupied and buildings structurally altered or erected may be used or changed in use only after a certificate of occupancy has been issued by the administrator. Such permit shall state that the building or the proposed use, or the use of the land, complies with the provisions of this chapter. A similar certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building shall be applied for simultaneously with the application for a zoning permit. The permit shall be issued within ten days after the erection or structural alteration of such building or part has conformed with the provisions of this chapter.

Section 18-7. Conditional use permit required in some instances.

Where permitted by the chapter, the location of hotels, motels, mobile home parks, borrow pits, hog farms, sanitary fill method garbage and refuse sites and other permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a conditional use permit. These permits shall be subject to such conditions as the town council deems necessary to carry out the intent of this chapter.

Section 18-8. Uses not provided for.

If in any district established under this chapter, a use is not specifically permitted and an application is made by a property owner to the administrator for such use, the administrator shall refer the application to the planning commission which shall make its recommendations to the town council within thirty days. If the recommendation of the planning commission is approved by the town council, this chapter shall be amended to list the use as a permitted use in that district, herceforth.

Section 18-9. Widening of highways and streets.

Whenever there shall be plans in existence, approved by either the state department of highways or by the town council for the widening of any street or highway the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right of way, in order to preserve and protect the right of way for such proposed street or highway widening.

Section 18-10. Minimum off-street parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

* (a) In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.

~~(b) Tourist homes and motels shall provide on the lot parking space for one automobile for each accommodation.~~

(c) For church and high school auditoriums, and for theaters, general auditoriums and other similar places of assembly, at least one parking space for every five seats provided in such building.

(d) For medical and dental clinics, at least ten parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

(e) For tourist courts, apartments and apartment motels, at least one parking space for each individual sleeping or living unit. For hotels and apartment motels at least one parking space for each two sleeping rooms, up to and including the first sleeping rooms, and one parking space for each three sleeping rooms over twenty.

(f) For mortuaries and liquor stores, at least thirty parking spaces.

(g) For retail stores selling direct to the public, one parking space for each one hundred square feet of retail floor space in the building.

(h) Any other commercial building not listed above hereafter erected, converted or structurally altered shall provide one parking space for each one hundred square feet of business floor space in the building.

(i) Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. Any lights used to illuminate the parking areas shall be so arranged as to reflect the light away from the adjoining premises in a residential district.

Section 18-11. Effect of chapter on structures under construction.

Nothing contained in this chapter shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter. However, such construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

Section 18-12. Compliance with chapter required.

All departments, officials and public employees of the town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

Section 18-13. Severability of chapter provisions.

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

Section 18-14. Violations; penalties.

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one thousand dollars. Such person shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person and shall be punishable as herein provided.

ARTICLE II - RESIDENTIAL LIMITED, DISTRICT R-1

Section 18-21. Statement of Intent.

This district is composed of low-density residential areas and certain open areas where similar development appears likely to occur. The regulations for the district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration of residential uses and permitted uses are basically limited to single unit dwellings. Additional uses, such as schools, parks, churches and specific public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

Section 18-22. Permitted Uses - Within the R-1 Density Residential District the following uses are permitted.

- a. Single family dwellings.
- b. Customary general farming, but not the raising of farm animals or poultry.

- c. Schools.
- d. Churches.
- e. Parks and Playgrounds - provided that they are unlighted and a plant buffer strip of trees and hedges is present.
- f. Accessory building as defined, however, garages or other accessory building, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than three (3) feet to any property line.
- g. Public utility stations, provided all lot area requirements of the district in which they are located are met.
- h. Church bulletin boards and identification signs which are unlighted and are designed in such a manner as not to detract from adjacent residential homes.
- ~~i. Off-street parkings shall be provided by all uses as required in Section 18-10.~~

Section 18-23. Area Regulations.

All buildings and uses, unless otherwise specified in this code, shall comply with the following:

- a. Minimum lot size - There shall be a minimum lot size of _____ square feet for each dwelling unit.

Section 18-24. Setback Regulations.

The depth of the front yard shall be as follows:

<u>Type Street</u>	Setback
Arterial	60 feet from center line of any street-right-of-way.
Collector	50 feet from center line of any street right-of-way.
All Other	35 feet from center line of any street right-of-way.

Section 18-25. Frontage.

The minimum lot width at the setback lines shall be _____ feet.

Section 18-26. Yard Regulations.

- a. Side Yard - the minimum side yard for a principal structure shall be fifteen (15) feet and the total width of the two required side yards shall be thirty (30) feet.
- b. Rear Yard - Each principal structure shall have a rear yard of thirty (30) feet.

Section 18-27. Height Regulations.

Principal buildings shall not exceed the height of thirty-five (35) feet and accessory buildings shall not exceed the height of fifteen (15) feet.

Section 18-28. Maximum Lot Coverage.

The principal building and all accessory buildings shall not cover more than 40% of the total lot area.

Section 18-29. Special Provisions for Corner Lots.

- a. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.
- b. The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory buildings.

ARTICLE III - RESIDENTIAL LIMITED, DISTRICT R-2

Section 18-36. Statement of Intent.

This district is composed of certain medium to heavy concentration of residential uses. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, in so far as compatible with the intensity of land use, a suitable environment for family life. This residential district is not completely residential as it includes public and semi-public, institutional and other related uses.

Section 18-376 Permitted Uses.

Within the R-2 district the following uses are permitted.

- a. All uses permitted in R-1 provided all other R-2 requirements are observed.
- b. Single family dwellings.
- c. Schools.
- d. Churches.
- e. Parks and playgrounds.
- f. Home occupations as defined under that special provision clause.
- g. Multi-family dwellings.
- h. Rooming and boarding houses.
- i. Tourist homes.
- j. Rest homes.

- k. Clubs and lodges.
- l. Professional offices.
- m. Financial companies and insurance agents.
- n. Clinics.
- o. Barber shops and beauty parlors.
- p. Banks.
- q. Day care centers.
- r. Off street parking shall be provided for all uses as required in § 18 -10 or as other provided by Town Council.

Section 18-38. Special Provisions for home occupations.

- a. Home occupations shall be clearly indicated to the use of the dwelling and shall not be the essential residential character of the dwelling.
- b. No accessory buildings or outside storage shall be used in connection with the home occupation.
- c. No machinery that causes noise or other interference.
- d. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- e. Residents of the dwelling only may be engaged in the home occupation.
- f. No display or products shall be visible from the street and the sale of merchandise or the manufacture of merchandise for sale cannot be the primary function of the home occupation.

Section 18-39. Area Regulations.

All buildings and uses, unless otherwise specified in this code shall comply with the following.

- a. Minimum lot size - There shall be a minimum lot size of _____ square feet.
- b. Density Requirements - There shall be _____ square feet for the first unit, and _____ square feet for each additional unit.

Section 18-40. Setback Regulations.

The depth of the front yard shall be as follows:

<u>Type Street</u>	<u>Setback</u>
Arterial	50 feet from the center line of any street right-of-way.

Collector	40 feet from the center line of any street right-of-way.
All other	30 feet from the center line of any street right-of-way.

Section 18-41. Frontage.

The minimum lot width at the setback lines shall be fifty (50) feet.

Section 18-42. Yard Regulations.

- a. Side yard - The minimum total depth of the two side yards shall be fifteen (15) feet for the first story and ten (10) feet for each additional story. At least 1/3 of the total depth shall be provided on the smaller side.
- b. Rear Yard - Each principal building shall have a rear yard of twenty five (25) feet.

Section 18-43. Height Regulations.

No restrictions.

Section 18-44. Lot Coverage.

The principal building and all accessory buildings shall not cover more than fifty (50) percent of the total lot area.

Section 18-45. Special Provision for open space.

If there are more than six (6) units per acre, ten (10) percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such area.

ARTICLE IV - GENERAL BUSINESS DISTRICT B-1

Section 18-51. Statement of Intent.

The intent of this district is to provide for business areas which serve the entire town and the surrounding area. It is intended for those uses which require central location and which business and services are to be used by the entire community and surrounding area. Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct frequent access.

Section 18-52. Permitted Uses.

Within the B-1 General Business District the following are permitted:

- a. Stores and shops conducting retail business
- b. Personal, business, and professional services
- c. Offices, hotels, motels, and restaurants
- d. Auto sales and service

- e. Funeral homes, clubs and lodges
- f. Churches, assembly halls
- g. Parking lots, and off-street parking as provided by all uses as require in Section 18-10.

Section 18-53. Area Regulations.

None.

Section 18-54. Setback Regulations.

Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. Signs advertising sale or rent of premises may be erected up to the property line.

Section 18-55. Frontage Regulations.

Not restricted.

Section 18-56. Side Yard Regulations.

None except when property is adjoining or adjacent to residential or open-space district, then a minimum of ten (10) feet side yard is required.

Section 18-57. Height Regulations.

Not restricted.

Section 18-58. Lot Coverage.

Not restricted.

ARTICLE V - INDUSTRIES M-1

Section 18-66. Statement of Intent.

To establish and preserve areas of industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

Section 18-67. Permitted Uses.

Within the M-1 District the following uses are permitted.

- a. Bottling works
- b. Building materials yard
- c. Contractor's storage yard
- d. Cabinet making

- e. Any manufacturing process which does not cause injurious or obnoxious noise vibrations, smoke, gas, fumes, odors, dust, fire hazards, or other objectionable conditions.
- f. Warehouses and storage facilities (excluding flammable fuels)
- g. Truck terminals
- h. Dry-cleaning and laundry establishments
- i. Printing and engraving
- j. Furniture manufacturer
- k. Coal yards.
- l. Any other industry must have permission from the Planning Commission and Town Council.

Section 18-68. Area Regulations.

Not restricted.

Section 18-69. Setback Regulations.

The depth of the front yard shall be as follows:

<u>Type Street</u>	<u>Setback</u>
Arterial	45 feet from the center line of street right-of-way
Collector	35 feet from the center line of street right-of-way
All other	25 feet from the center line of street right-of-way

Section 18-70. Frontage Regulations.

None.

Section 18-71. Yard Regulations.

- a. Side Yard - The side yard for each principal structure shall be a minimum of thirty (30) feet on each side of said structure.
- b. Rear Yard - The rear yard for each principal structure shall be a minimum of twenty (20) feet. Where adjacent to residential zones forty (40) feet is required. In the case of any railroad right of way, there will be no setback requirements if rail service is needed.

Section 18-72. Height Regulations.

Not restricted.

Section 18-73. Maximum Lot Coverage.

The principal building and all accessory buildings shall not cover more than fifty (50) percent of the total lot area.

Section 18-74. Special Provisions.

Before a certificate of occupancy is granted to any industrial building within this zone that is adjacent to a residential district, a planted buffer strip must be provided along all property lines which are adjacent to a residential district.

Section 18-9. Widening of highways and streets.

Whenever there shall be plans in existence, approved by either the state department of highways or by the town council for the widening of any street or highway the commission may recommend additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right of way, in order to preserve and protect the right of way for such proposed street or highway widening.

Section 18-10. Minimum off-street parking.

There shall be provided at the time of erection of any main building or at the time any main building is enlarged, minimum off-street parking space with adequate provision for entrance and exit by standard sized automobiles, as follows:

- (a) In all residential districts there shall be provided either in a private garage or on the lot, space for the parking of one automobile for each dwelling unit in a new building, or each dwelling unit added in the case of the enlargement of an existing building.
- (b) Tourist homes and motels shall provide on the lot parking space for one automobile for each accommodation.
- (c) For church and high school auditoriums, and for theaters, general auditoriums and other similar places of assembly, at least one parking space for every five seats provided in such building.
- (d) For medical and dental clinics, at least ten parking spaces. Three additional parking spaces shall be furnished for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.
- (e) For tourist courts, apartments and apartment motels, at least one parking space for each individual sleeping or living unit. For hotels and apartment motels at least one parking space for each two sleeping rooms, up to and including the first sleeping rooms, and one parking space for each three sleeping rooms over twenty.
- (f) For mortuaries and liquor stores, at least thirty parking spaces.
- (g) For retail stores selling direct to the public, one parking space for each one hundred square feet of retail floor space in the building.
- (h) Any other commercial building not listed above hereafter erected, converted or structurally altered shall provide one parking space for each one hundred square feet of business floor space in the building.
- (i) Parking space as required in the foregoing shall be on the same lot with the main building, except that in the case of buildings other than dwellings, spaces may be located as far away as six hundred feet. Every parcel of land hereafter used as a public parking area shall be surfaced with gravel, stone, asphalt or concrete. Any lights used to illuminate the parking areas shall be so arranged as to reflect the light away from the adjoining premises in a residential district.

Section 18-11. Effect of chapter on structures under construction.

Nothing contained in this chapter shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this chapter. However, such construction is discontinued for a period of six months or more, further construction shall be in conformity with the provisions of this chapter for the district in which the operation is located.

Section 18-12. Compliance with chapter required.

All departments, officials and public employees of the town which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this chapter. Any such permit, if issued in conflict with the provisions of this chapter, shall be null and void.

Section 18-13. Severability of chapter provisions.

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

Section 18-14. Violations; penalties.

Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty dollars nor more than one thousand dollars. Such person shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this chapter is committed, continued or permitted by such person and shall be punishable as herein provided.

ARTICLE II - RESIDENTIAL LIMITED, DISTRICT R-1

Section 18-21. Statement of Intent.

This district is composed of low-density residential areas and certain open areas where similar development appears likely to occur. The regulations for the district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage a suitable environment for family life and to prohibit all activities of a commercial nature. To these ends, development is limited to relatively low concentration of residential uses and permitted uses are basically limited to single unit dwellings. Additional uses, such as schools, parks, churches and specific public facilities that serve the residents of the district. No home occupations (including room renting) are permitted.

Section 18-22. Permitted Uses - Within the R-1 Density Residential District the following uses are permitted.

- a. Single family dwellings.
- b. Customary general farming, but not the raising of farm animals or poultry.

- c. Schools.
- d. Churches.
- e. Parks and Playgrounds - provided that they are unlighted and a plant buffer strip of trees and hedges is present.
- f. Accessory building as defined, however, garages or other accessory building, such as carports, porches and stoops attached to the main building shall be considered part of the main building. No accessory building may be closer than three (3) feet to any property line.
- g. Public utility stations, provided all lot area requirements of the district in which they are located are met.
- h. Church bulletin boards and identification signs which are unlighted and are designed in such a manner as not to detract from adjacent residential homes.
- i. Off-street parkings shall be provided by all uses as required in Section 18-10.

Section 18-23. Area Regulations.

All buildings and uses, unless otherwise specified in this code, shall comply with the following:

- a. Minimum lot size - There shall be a minimum lot size of _____ square feet for each dwelling unit.

Section 18-24. Setback Regulations.

The depth of the front yard shall be as follows:

<u>Type Street</u>	<u>Setback</u>
Arterial	60 feet from center line of any street-right-of-way.
Collector	50 feet from center line of any street right-of-way.
All Other	35 feet from center line of any street right-of-way.

Section 18-25. Frontage.

The minimum lot width at the setback lines shall be _____ feet.

Section 18-26. Yard Regulations.

- a. Side Yard - the minimum side yard for a principal structure shall be fifteen (15) feet and the total width of the two required side yards shall be thirty (30) feet.
- b. Rear Yard - Each principal structure shall have a rear yard of thirty (30) feet.

Section 18-27. Height Regulations.

Principal buildings shall not exceed the height of thirty-five (35) feet and accessory buildings shall not exceed the height of fifteen (15) feet.

Section 18-28. Maximum Lot Coverage.

The principal building and all accessory buildings shall not cover more than 40% of the total lot area.

Section 18-29. Special Provisions for Corner Lots.

- a. Of the two sides of a corner lot, the front shall be deemed to be the shortest of the two sides fronting on streets.
- b. The side yard on the side facing the side street shall be thirty (30) feet or more for both main and accessory buildings.

ARTICLE III - RESIDENTIAL LIMITED, DISTRICT R-2

Section 18-36. Statement of Intent.

This district is composed of certain medium to heavy concentration of residential uses. The regulations for this district are designed to stabilize and protect the essential characteristics of the district, to promote and encourage, in so far as compatible with the intensity of land use, a suitable environment for family life. This residential district is not completely residential as it includes public and semi-public, institutional and other related uses.

Section 18-376 Permitted Uses.

Within the R-2 district the following uses are permitted.

- a. All uses permitted in R-1 provided all other R-2 requirements are observed.
- b. Single family dwellings.
- c. Schools.
- d. Churches.
- e. Parks and playgrounds.
- f. Home occupations as defined under that special provision clause.
- g. Multi-family dwellings.
- h. Rooming and boarding houses.
- i. Tourist homes.
- j. Rest homes.

- k. Clubs and lodges.
- l. Professional offices.
- m. Financial companies and insurance agents.
- n. Clinics.
- o. Barber shops and beauty parlors.
- p. Banks.
- q. Day care centers.
- r. Off street parking shall be provided for all uses as required in § 18 -10 or as other provided by Town Council.

Section 18-38. Special Provisions for home occupations.

- a. Home occupations shall be clearly indicated to the use of the dwelling and shall not be the essential residential character of the dwelling.
- b. No accessory buildings or outside storage shall be used in connection with the home occupation.
- c. No machinery that causes noise or other interference.
- d. No internal or external alterations inconsistent with the residential use of the building shall be permitted.
- e. Residents of the dwelling only may be engaged in the home occupation.
- f. No display or products shall be visible from the street and the sale of merchandise or the manufacture of merchandise for sale cannot be the primary function of the home occupation.

Section 18-39. Area Regulations.

All buildings and uses, unless otherwise specified in this code shall comply with the following.

- a. Minimum lot size - There shall be a minimum lot size of _____ square feet.
- b. Density Requirements - There shall be _____ square feet for the first unit, and _____ square feet for each additional unit.

Section 18-40. Setback Regulations.

The depth of the front yard shall be as follows:

<u>Type Street</u>	<u>Setback</u>
Arterial	50 feet from the center line of any street right-of-way.

Collector	40 feet from the center line of any street right-of-way.
All other	30 feet from the center line of any street right-of-way.

Section 18-41. Frontage.

The minimum lot width at the setback lines shall be fifty (50) feet.

Section 18-42. Yard Regulations.

- a. Side yard - The minimum total depth of the two side yards shall be fifteen (15) feet for the first story and ten (10) feet for each additional story. At least 1/3 of the total depth shall be provided on the smaller side.
- b. Rear Yard - Each principal building shall have a rear yard of twenty five (25) feet.

Section 18-43. Height Regulations.

No restrictions.

Section 18-44. Lot Coverage.

The principal building and all accessory buildings shall not cover more than fifty (50) percent of the total lot area.

Section 18-45. Special Provision for open space.

If there are more than six (6) units per acre, ten (10) percent of the total lot area is to be set aside for recreational activities. Property owners will be required to landscape and maintain such area.

ARTICLE IV - GENERAL BUSINESS DISTRICT B-1

Section 18-51. Statement of Intent.

The intent of this district is to provide for business areas which serve the entire town and the surrounding area. It is intended for those uses which require central location and which business and services are to be used by the entire community and surrounding area. Generally, this district covers that portion of the community intended for the conduct of general business to which the public requires direct frequent access.

Section 18-52. Permitted Uses.

Within the B-1 General Business District the following are permitted:

- a. Stores and shops conducting retail business
- b. Personal, business, and professional services
- c. Offices, hotels, motels, and restaurants
- d. Auto sales and service

- e. Funeral homes, clubs and lodges
- f. Churches, assembly halls
- g. Parking lots, and off-street parking as provided by all uses as require in Section 18-10.

Section 18-53. Area Regulations.

None.

Section 18-54. Setback Regulations.

Buildings shall be located ten (10) feet or more from any street right-of-way which is fifty (50) feet or greater in width, or thirty-five (35) feet or more from the center line of any street right-of-way less than fifty (50) feet in width. Signs advertising sale or rent of premises may be erected up to the property line.

Section 18-55. Frontage Regulations.

Not restricted.

Section 18-56. Side Yard Regulations.

None except when property is adjoining or adjeacent to residential or open-space district, then a minimum of ten (10) feet side yard is required

Section 18-57. Height Regulations.

Not restricted.

Section 18-58. Lot Coverage.

Not restricted.

ARTICLE V - INDUSTRIES M-1

Section 18-66. Statement of Intent.

To establish and preserve areas of industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses.

Section 18-67. Permitted Uses.

Within the M-1 District the following uses are permitted.

- a. Bottling works
- b. Building materials yard
- c. Contractor's storage yard
- d. Cabinet making

- e. Any manufacturing process which does not cause injurious or obnoxious noise vibrations, smoke, gas, fumes, odors, dust, fire hazards, or other objectionable conditions.
- f. Warehouses and storage facilities (excluding flammable fuels)
- g. Truck terminals
- h. Dry-cleaning and laundry establishments
- i. Printing and engraving
- j. Furniture manufacturer
- k. Coal yards.
- l. Any other industry must have permission from the Planning Commission and Town Council.

Section 18-68. Area Regulations.

Not restricted.

Section 18-69. Setback Regulations.

The depth of the front yard shall be as follows:

<u>Type Street</u>	<u>Setback</u>
Arterial	45 feet from the center line of street right-of-way
Collector	35 feet from the center line of street right-of-way
All other	25 feet from the center line of street right-of-way

Section 18-70. Frontage Regulations.

None.

Section 18-71. Yard Regulations.

- a. Side Yard - The side yard for each principal structure shall be a minimum of thirty (30) feet on each side of said structure.
- b. Rear Yard - The rear yard for each principal structure shall be a minimum of twenty (20) feet. Where adjacent to residential zones forty (40) feet is required. In the case of any railroad right of way, there will be no setback requirements if rail service is needed.

Section 18-72. Height Regulations.

Not restricted.

Section 18-73. Maximum Lot Coverage.

The principal building and all accessory buildings shall not cover more than fifty (50) percent of the total lot area.

Section 18-74. Special Provisions.

Before a certificate of occupancy is granted to any industrial building within this zone that is adjacent to a residential district, a planted buffer strip must be provided along all property lines which are adjacent to a residential district.