Town of Ashland

Center of the Universe

PLANNING COMMISSION WORK SESSION
April 9, 2014 – 6:30

Zoning Ordinance Review: Commercial Districts (B-2 and B-4)

ARTICLE XI. HIGHWAY COMMERCIAL DISTRICT B-2

Sec. 21-100. Statement of intent.

This district is intended to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities, generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor or noise.

Sec. 21-101. Use regulations.

The following uses and structures shall be permitted in the Highway Commercial District, B-2:

(1) Accessory uses as defined.

(2) Automobile and truck sales and service establishments and truck rental agencies, provided that all repairs take place in a fully enclosed building. Truck stops and junkyards as defined in this chapter are excluded in this district. The display or storage of used automobiles or trucks offered for sale shall require a conditional use permit unless located on the same site and operated in conjunction with a new vehicle dealership.

(3) Banks and financial institutions.

(4) Bowling alleys.

(5) Building supplies and service.

(6) Car washes, with a conditional use permit.

(7) Churches.

(8) Convenience stores and similar uses having pumps for dispensing motor fuels, with a conditional use permit.

(9) Day nurseries or day care centers.

(10) Fire stations.

(11) Funeral homes.

(12) Garages, public parking.

(13) Hotels and motels up to thirty-five (35) feet in height. Hotels and motels exceeding thirty- five (35) feet in height, with a conditional use permit.

(14) Laundry and cleaning.

(15) Libraries, with a conditional use permit.

(16) Machinery sales and service, with a conditional use permit provided that no storage or display shall take place in the required setback.

(17) Miniature golf courses and golf driving ranges.

(18) Mobile home, portable storage building, boat and trailer, and major recreational equipment sales, display and storage, with a conditional use permit, provided that all units shall be in useable condition and no storage or display shall take place in the required setback.

(19) Museums and art galleries.

(20) Painting, plastering, plumbing or electrical contractors, sign painting and graphics, where business is conducted entirely within a completely enclosed building.

(21) Pet shops, including boarding kennels on the premises.

(22) Philanthropic and charitable institutions.

(23) Printing shops.

(24) Private clubs and lodges, with a conditional use permit.

(25) 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 and where not more than twenty (20) persons are employed on the premises in the processing or manufacturing activities.

(26) Office buildings up to thirty-five (35) feet in height. Office buildings exceeding thirty-five (35) feet in height, 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 or refinishing services for uses such as furniture, bicycles, guns, radios, television sets, electrical appliances, locks, refrigerators, other home appliances, shoes, toys, typewriters, watches and clocks.

(30) Rescue squads.

(31) Restaurants.

(32) Retail stores and businesses with a gross first floor area of twenty-five thousand (25,000) square feet or less and not to exceed a total of fifty thousand (50,000) square feet. Retail stores and businesses

with a footprint larger than twenty-five thousand (25,000) square feet provided they obtain a conditional permit.

(33) Roller rinks or ice skating rinks provided that all such activities take place inside a fully enclosed building.

(34) Reserved.

(35) Service stations, with a conditional use permit, provided that all repairs take place in a fully enclosed building.

(36) Hospitals, with a conditional use permit.

(37) Personal service establishments as defined in this chapter such as, but not limited to, barbershops, beauty parlors, tailors, automatic self service laundries.

(38) Theatres, motion picture theatres and assembly halls, but not including drive-in theaters.

(39) Tourist homes.

(40) Veterinarian hospitals or clinics, including those with facilities for the treatment of large animals and boarding kennels for small animals, provided all facilities for the care of small animals are within a completely enclosed, air-controlled, sound-proofed building; that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls; and provided that if large animals are to be treated, no treatment rooms or pens for large animals shall be maintained closer than two hundred (200) feet to any property line.

(41) Wholesale businesses, with a conditional use permit.

(42) Off-street parking and loading areas in accordance with article XIX.

(43) Signs in accordance with article XX.

(44) Mini-storage facilities, with a conditional use permit.

(45) Amusement centers, with a conditional use permit.

(46) Towers and aerials, not to exceed one hundred (100) feet in height, with a conditional use permit.

(47) Public billiard parlors and poolrooms, with a conditional use permit.

(48) Fireworks sales, with a conditional use permit.

(49) Parks and playgrounds, with a conditional use permit.

(50) Outside storage and service areas accessory to permitted uses, with a conditional use permit, unless specifically prohibited for any use by this section, and provided that such areas shall be located

on the site or screened by structural or vegetative material so as to not be visible from any public right-of-way or adjoining property and shall not be located within any required setback.

(51) Shopping centers containing uses permitted in this district, with a conditional use permit.

(52) Farmer's markets, with a conditional use permit.

(53) Temporary uses, with a conditional use permit subject to the following standards:

a. A conceptual plan and elevations shall be reviewed by staff as part of the application. Temporary trailers, such as construction trailers, shall not be permitted to conduct business or for storage. A trailer may be used for shelter purposes only.

b. The length of time a use shall be permitted shall be determined for each use. However, no permit shall exceed four (4) months in any twelve-month period.

c. Permit shall be subject to a three year review.

d. Any bona fide civic, charitable, fraternal, or welfare organization shall be exempt from obtaining a conditional use permit for a temporary use.

(54) Adult uses, subject to the specific requirements of section 21-267 of article XXV, supplemental regulations.

(55) Adult day care services, with a conditional use permit, provided that the use is not located within a shopping center that exceeds twenty-five thousand (25,000) square feet, as defined within this chapter.

(12-11-84; 10-22-91, § 1; 6-14-94, § 2; 4-25-96; 6-25-96; 6-23-98(2), § 1; 4-27-99(2), § 1; 2-22-00, § 3; 5-13-03; 6-10-03; 2-17-04, § A1; 4-19-05; 2-21-06(1); 3-20-07; 10-6-09)

Editors Note: Section 2 of an ordinance of June 14, 1994, amended § 21-101 by adding subsection (47) thereto. In order to avoid duplication of existing provisions, the editor has included these new provisions as § 21-101(48).

Similarly, § 8 of an ordinance of April 25, 1995, and an ordinance of June 25, 1996, amended § 20-101 by adding subsections (48)--(50). Since § 21-101 already contained a subsection (48), the editor has redesignated these provisions as subsections (49)--(51).

Sec. 21-102. Area regulations.

The minimum lot area shall be one-half acre, provided there shall be no minimum lot area requirement for public utilities, parking areas, and parks and playgrounds.

(1-26-93, § 1; 4-27-99, § 1)

Sec. 21-103. Frontage regulations.

For permitted uses in this district, the minimum lot width shall be one hundred fifty (150) feet.

(1-26-93, § 1)

Sec. 21-104. Setback regulations.

The minimum setback shall be twenty-five (25) feet, from ultimate right of way provided that no building shall be required to have a setback greater than the average of the setbacks of existing buildings on each side of the lot. In no case shall fuel pump islands or canopies be provided with a setback of less than twenty-five (25) feet.

(1-26-93, § 1; 2-17-04, § A9; 5-17-05(1))

Sec. 21-105. Yard regulations.

(a) *Side*. The minimum width of each side yard for a main structure shall be zero (0) feet, except that when abutting a residential district in which case it shall be fifty (50) feet with a vegetative buffer.

(b) *Rear*. The rear setback shall be twenty-five (25) feet except when abutting a residential district in which case it shall be fifty (50) feet with a vegetative buffer.

(1-26-93, § 1; 12-15-98, § 1; 5-17-05(2))

Sec. 21-106. Height regulations.

No building or structure shall exceed a height of thirty-five (35) feet from grade unless otherwise provided for in this article. See article XXV for supplemental height regulations.

(12-11-84; 12-15-98, § 1; 3-20-07)

Sec. 21-107. Reserved.

Editors Note: An ordinance adopted on Dec. 15, 1998, repealed and reserved section 21-30, which pertained to special provisions for corner lots.

Sec. 21-108. Site plan required.

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

(2-17-04, § A5)

Sec. 21-109. Landscape plan: landscaping, trees, buffers, and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

(2-17-04, § A3)

Sec. 21-109.1. Reserved.

Editors Note: An ordinance adopted February 17, 2004, § A6 repealed § 21-109.1 which pertained to buffer and screening adjacent to residential districts and derived from ordinances dated November 24, 1987, § 2 and December 15, 1998, § 1.

Sec. 21-110. Utilities.

All uses shall be constructed on properties served by public water and sewer systems and as provided for in chapter 20 of this Code.

ARTICLE XII. NEIGHBORHOOD COMMERCIAL DISTRICT B-4

Sec. 21-111. Statement of intent.

This district provides retail shopping and personal service uses to serve the needs of nearby residential neighborhoods and not characterized by frequent delivery or automobile activity.

Sec. 21-112. Use regulations.

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

(a) Any use permitted in the R-2 (Limited Residential) District, using the regulations of the R-2 District.

(b) Personal service uses including barbershop; beauty parlor; photographic or artist studio; taxicab stand; self-service laundromats or self-service dry cleaning establishment; dressmaking, tailoring; decorating; shoe repairing; repair of small household appliances or bicycles; retail bakery with sale of bakery products on premises only; undertaking establishments; provided that no individual use permitted in this item shall occupy more than two thousand five hundred (2,500) square feet of floor area.

(c) Retail stores, with no gas pumps, provided that no individual use permitted by this paragraph shall occupy more than two thousand five hundred (2,500) square feet of floor area.

(d) Signs in accordance with article XX.

(e) Off-street parking in accordance with article XIX.

(f) Public utilities including poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities. 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.

(g) Convalescent center with a conditional use permit. Adult day care services shall be permitted as an accessory use to convalescent centers.

(h) Parks and playgrounds, with a conditional use permit.

(i) Day care centers or day nurseries.

(j) Offices, provided that no individual office use shall occupy more than two thousand five hundred (2,500) square feet of floor area.

(k) Farmer's markets, with a conditional use permit.

(4-25-95, § 9; 4-25-95, § 1; 12-10-96, § 10; 6-23-98(2), § 1; 12-15-98, § 1; 4-27-99(2), § 1; 2-17-04, § A1; 10-6-09)

Sec. 21-113. Area regulations.

There shall be no minimum lot area requirement in this district, except that the minimum lot area for single-family dwellings shall be ten thousand (10,000) square feet and the minimum lot area for convalescent centers shall be twenty thousand (20,000) square feet.

(1-26-93, § 2; 4-27-99, § 1)

Sec. 21-114. Setback regulations.

The minimum setback shall be fifty (50) feet, provided that when no parking area or other area for circulation of vehicles is located between a building and the street line, a minimum setback or not less than thirty (30) feet may be provided. (See article XXIII for landscaping requirements and article XXV for supplemental yard regulations.)

(1-26-93, § 2; 12-15-98, § 1; 2-17-04, § A10)

Sec. 21-114.1. Frontage regulations.

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

(1-26-93, § 2)

Sec. 21-114.2. Yard regulations.

(a) *Side*. The minimum width of each side yard shall be fifteen (15) feet for a residential use and twenty-five (25) feet for a business or commercial use, provided that the minimum street side yard for all buildings and structures shall be fifty (50) feet.

(b) *Rear*. The minimum rear yard for each main structure shall be twenty-five (25) feet.

See article XXV supplemental yard regulations.

(1-26-93, § 2; 12-15-98, § 1)

Sec. 21-115. Height regulations.

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

(12-15-98, § 1)

Sec. 21-116. Reserved.

Editors Note: An ordinance adopted on Dec. 15, 1998, repealed and reserved § 21-30, which pertained to special provisions for corner lots.

Sec. 21-117. Landscape plan: landscaping, trees, buffers, and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

(2-17-04, § A3)

Sec. 21-117.1. Site plan required.

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

(8-11-87; 2-17-04, § A5)

Sec. 21-117-2. Reserved.

Editors Note: An ordinance adopted February 17, 2004, § A6 repealed § 21-117.2 which pertained to buffer and screening adjacent to residential districts and derived from ordinances dated November 24, 1987, § 3 and December 15, 1998, § 1.

Town of Ashland

Center of the Universe

PLANNING COMMISSION REGULAR MEETING

April 9, 2014 - 7:00 p.m.

I. CALL TO ORDER

II. ROLL CALL

III. DETERMINATION OF QUORUM

IV. APPROVAL OF AGENDA

V. CITIZEN INPUT

VI. PRESENTATION OF MINUTES

A. NONE.

VII. PRESENTATION

A. NONE.

VIII. PUBLIC HEARINGS

A. ORD 2014-02 is an ordinance to amend The Code of the Town of Ashland, Chapter 21 "Zoning," Article I "In General," Section 21-3 "Definitions" by adding or amending use definitions. Ordinance No. 2014-02 also amends Article X "Central Business District, B-1," Section 21-91 "Statement of intent," Section 21-92, "Use Regulations" to update permitted uses, Section 21-97, "Height Regulations," Section 21-94.1, "Setback Regulations;" by adding Section 21-92.1, "Requirements for Permitted Uses" to set standards for outdoor storage and display; by adding Section 21-99.11, "Architectural Elements," to regulate minimum window percentage and minimum architectural elements; and by adding Section 21-99.12, "Street Entrance" to establish a minimum entrance requirement. Ordinance No. 2014-02 also adds article X-A, "Central Business District – Downtown - B-1D," by adding Section 21-99.2, "Statement of Intent," Section 21-99.3, "Use Regulations," Section 21-99.4, "Regulations for Permitted Uses," Section 21-99.5, "Area Regulations," Section 21-99.6, "Frontage Regulations," Section 21-99.7, "Setback Regulations," Section 21-99.8, "Yard Regulations," Section 21-99.9, "Driveways," Section 21-99.91, "Height Regulations," Section 21-99.92, "Special Provisions for Townhouses and Multifamily Units," Section 21-99.93, "Site Plan Required," Section 21-99.94, "Landscape Plan," Section 21-99.95, "Architectural Elements," Page 13

and Section 21-99.96 “Street Entrance.” Ordinance No. 2014-02 also amends article XXI, “Landscaping” Section 21-234, “Number of Street Trees Required,” to increase the minimum tree requirements and create an administrative exception process. Ordinance No. 2014-02 also amends article XXV, “Supplemental Regulations,” by adding Section 21-277, “Outdoor Storage/Display.” Finally, Ordinance No. 2014-02 amends the following sections to include references to the newly established B-1D district: Section 21-232 “Tree planting and preservation,” Sec. 21-233 “Landscape setbacks,” Sec. 21-236 “Buffers, screening and location of certain outside facilities,” Sec. 21-263 “Satellite antenna location,” Sec. 21-206 “Exceptions from off-street parking,” Sec. 21-207.1 “General provisions,” Sec. 21-208 “Signs permitted,” Sec. 21-209 “Illuminated signs,” and Sec. 21-8. “Enumeration of districts.”

IX. ACTION ITEMS

A. NONE

X. REPORT OF COMMITTEES

A. Town Council – Dr. Spagna
B. Ashland Main Street Association - Nora Amos
C. Economic Development Authority of Ashland, Virginia – Nora Amos

XI. UNFINISHED BUSINESS

XII. NEW BUSINESS

A. None.

XIII. UPCOMING ITEM

A. REZ14-0109, Green Acres Rezoning

XIV. ADJOURNMENT

ATTACHMENTS:

A. Council Summaries
B. Planning Projects

Town of Ashland

Center of the Universe

STAFF REPORT

To: Planning Commission, Town of Ashland, Virginia

From: Garet S. Prior, Planner II

Date: April 19, 2014

Case No.: ORD2014-02

Case Type: Ordinance Amendment

RE: B-1 Zoning Update Amendment

REQUEST:

Staff requests that the Planning Commission review, hold a public hearing, and provide a recommendation to Town Council on the proposed amendment package for B-1. Since the adoption of the Comprehensive Plan in 2011, the Planning Commission, Town Council and staff have been reviewing and updating different regulatory aspects of the community (e.g. lighting, signage, etc.) to bring them into better conformity with the recommendations of the plan. The review of downtown zoning (B-1) was the next area, as the Planning Commission is reviewing commercial zoning districts.

RECOMMENDATION:

Staff is recommending approval of ORD2014-02.

MOTION:

Approve – I move to recommend approval of ORD2014-02.

Approve with amendments – I move to recommend approval of ORD2014-02 with the following amendments…:

Deny – I move to recommend denial of ORD2014-02.

Defer – I move to defer action on ORD2014-02 to the ___ Planning Commission meeting.

SUMMARY:

The amendment package for the B-1 update proposes the following changes:

- New zoning district, Central Business District - Downtown (B1-D)
- Update permitted uses
- Maximum building height
- Maximum setback for buildings in B-1
- Minimum window percentage of façade for first floor
- Requirement for buildings to address the first floor, second floor (if applicable) and cornice with architectural features
- Standards for outdoor storage and display
- Minimum one street fronting entrance
- Updates landscaping and street tree requirement standards
- References in code to reflect new B-1D district
- Update use definitions

Key emphasis issues with the recommended amendments:

1) Encourage an active arts and entertainment environment in downtown.
   - Repeals CUP requirement for museums and art galleries to be allowed by-right.
   - Repeals CUP to allow mix-use apartments by-right.
   - Added *Manufacturing, when incidental to retail* as a permitted by-right use which would allow bakeries, breweries, glass-blowing, or other art creation/manufacturing businesses to locate in Downtown.
   - B-1D would only permit *Offices* in non-street facing or second floor units, thereby encouraging more pedestrian active business uses on downtown streets.
   - Repeals street tree requirement for B1-D property so to maximize buildable area on Downtown lots.
   - Farmers markets and community gardens allowed in B-1 by-right.

2) Preserve small-town character and encourage development to further historic architecture and patterns.
   - Building setbacks in B1-D to match historic building façade setback
   - Maximum setback in B-1 places structures in historic small-town 3:1 ratio which will make visitors “feel” like they are entering a small-town.
   - Establishes flexible architectural regulations that call for building façade sections to be addressed through items of the private landowner’s choosing.
   - Creation of B1-D to better delineate standards between downtown corridors and historic core.

3) Development compatible with surrounding residential properties.
   - Maximum building height for properties adjacent to single family residential lowered to 25 feet. There would be an option to build to 35 feet if a conditional use permit was secured, but this would involve a public hearing process where conditions on building design and placement could be considered in granting the request.

B-1 and B-1D Proposed Amendments

Architectural Features
Must address the following:

Cornice
The projecting member at the top of the exterior wall

Upper Floor
The usually non-retail volume above the retail ground floor; multistory main Street buildings are typically between 2 and 4 floors.

Storefront
The front exterior wall of commercial space, typically with large glass windows. One street front entrance required.

Building Height
35' Max.

25' Max. If adjacent to residential
(CUP option for 35')

Other
Creation of B1-D (Historic Downtown) district

Permitted Uses Update

Define Storage vs. Display

Min. 1st Floor Window Percentage
50% (B-1D), 25% (B-1)

Landscaping
1 street tree per 40', where possible, and 10' buffer to parking when adjacent to sidewalk (B-1 only)

CONSIDERATIONS:

Background

Since the adoption of the Town's Comprehensive Plan in 2011, the Planning Commission, Town Council and staff have been reviewing and updating different regulatory aspects of the community (e.g. lighting, signage, etc.) to bring them into better conformity with the recommendations of the plan. The review of downtown zoning was the next area, as the Planning Commission is reviewing commercial zoning districts.

To inform this process, the goals/policies of the Comprehensive Plan were combined with a review of other localities best practices, individual knowledge and experience, and a survey of the built environment through walking discussions of the district.

Balancing Factors

Zoning regulation is the "stick," as these are the rules by which private or public development shall meet. The "carrot," would be those policies/guidelines which are recommendations for best practices that detail what is desired, although not required, for development.

In reviewing B-1, the Planning Commission evaluated the vision for Downtown, as articulated in Comprehensive Plan, with the current built environment and economic climate. Issues pertaining to property rights, pedestrian safety, environmental protection, and future development possibilities were discussed at length by the Planning Commission. Certain B-1 regulations were repealed as others were enhanced. Many of the Comprehensive Plan recommendations that were not adopted as regulation have been tasked for the Design Guidelines Handbook, which will be reviewed this summer, as they will provide detail for what is desired.

Proposed regulation changes only apply to future development, as current property in B-1 would be "grandfathered" in as non-conforming. The exception being that if development required a site plan, current standards would be applied.

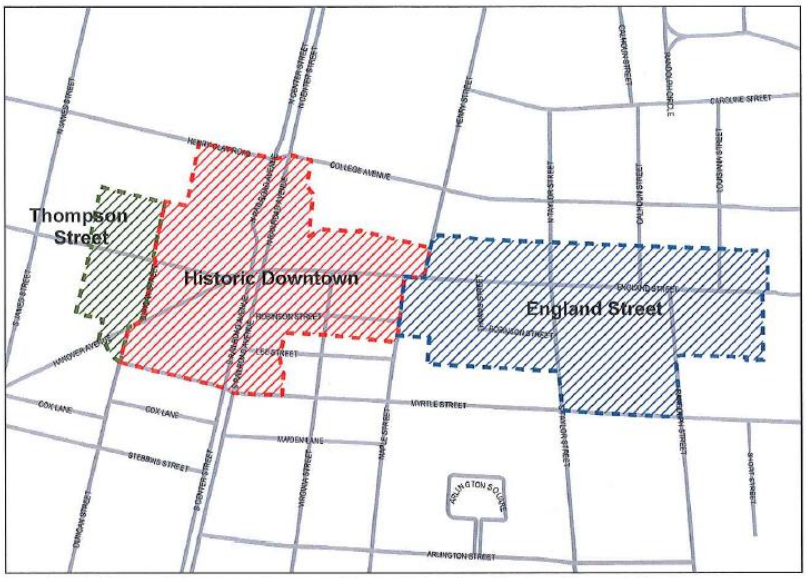
#1. Establishment of B-1D (Central Business District – Downtown)

As seen in the image on the following page, the Comprehensive Plan views the downtown as three distinct areas with respect to their development patterns and design characteristics. For Thompson/England Street (north side), it was recommended that development be scaled delicately to compliment the adjacent single family homes. For the historic downtown core, development is encouraged to maximize the space through multi-story buildings to facilitate an active shopping, living, arts and culture district.

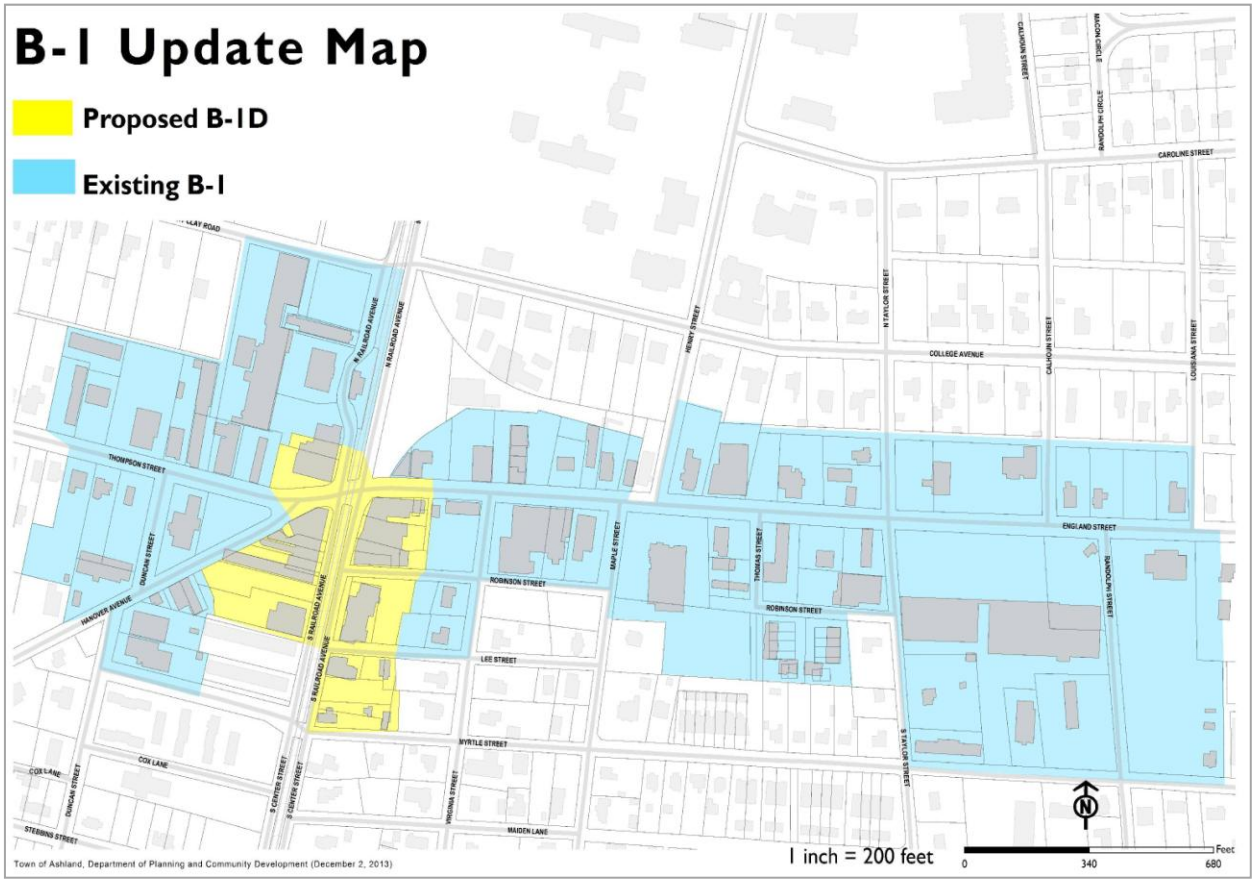
In reviewing the different types of uses and district guidelines for these sections, this amendment proposes to establish a separate zoning district for Historic Downtown. A map of the proposed B-1D (Central Business Downtown) is on the next page.

By establishing a separate district for the historic core, regulation which better applies to the historic buildings can be implemented without also having to apply to other structures in B-1, which range from single family residential to suburban commercial.

Additionally, by creating a separate district, one can better specify the permitted uses to encourage an active pedestrian level environment in the downtown core.



Three Distinct Parts of Downtown: Thompson Street, Historic Downtown and England Street



Further rationale for the establishment of B1-D can be found in the proposed district purpose statement. This statement supplies the legal basis (nexus) for connecting the district intent to the proposed regulations:

> "The B-1D, Central Business-Downtown District is the heart of Town culturally, geographically, and historically. It lends the Town its small-Town architecture, scale, and feel. It is intended to be a predominantly pedestrian area, catering to bicycle and pedestrian traffic with shops and storefronts close to the road, pedestrian scale, wide walkways, and limited off-street parking, well screened. The history of the area is retained with preservation of historic structures and replication of style in additions and expansions. The core of the Downtown exudes the vitality of the interaction of people and activities. Commercial opportunities include a diversity of specialty, retail services, cultural, recreation, entertainment activities, and public functions."

#2. Update of Permitted Uses

As identified in the Comprehensive Plan, there is a need to increase pedestrian activity in Downtown to spur business to support and active arts and entertainment district. With this in mind, the Planning Commission reviewed the permitted uses in the B-1 and newly established B-1D districts.

It was found that certain arts business types had impediments (e.g. museums and art galleries required CUP) to locate downtown. The propose amendments either repeal obstacles (e.g. allow art galleries by-right), or added new uses altogether (Manufacturing, when incidental to retail), to allow for easier attraction of arts business downtown.

The following is an overview of the proposed arts and entertainment amendments:

- Repeals CUP requirement for museums and art galleries to be allowed by-right.
- Repeals CUP to allow mix-use apartments by-right.
- Added *Manufacturing, when incidental to retail* as a permitted by-right use which would allow bakeries, breweries, glass-blowing, or other art creation/manufacturing businesses to locate in Downtown.
- B-1D would only permit *Offices* in non-street facing or second floor units, thereby encouraging more pedestrian active business uses on downtown streets.
- Farmers markets and community gardens allowed in B-1 by-right.

The following chart provides a full list of the uses reviewed by the Planning Commission. Please contact Planning staff or refer to the use definitions in the zoning ordinance to understand what business types would be considered under each use.

Uses	Existing	B-1	B-1D
Apartments located above a commercial, retail or office use on the first floor.	Yes (CUP)	Yes	Yes
Assisted living facilities.	Yes	No	No
Auction houses.	No	Yes	No
Automobile repair service stations.	Yes (CUP)	No	No
Automobile sales, new or used.	Yes (CUP)	No	No

Bingo games as an accessory use to non-profit organizations.	Yes (CUP)	Yes	No
Broadcasting studios requiring telecommunication towers.	No	No	No
Broadcasting studios. (no tower)	Yes	Yes	No
Business apartments.	Yes	Yes	Yes
Catering establishments.	No	Yes	No
Churches and other places of worship.	Yes	Yes	Yes
Community gardens.	No	Yes (CUP)	No
Contractor's offices, conducted entirely within a building.	Yes	Yes	No
Convenience stores.	Yes (CUP)	Yes (CUP)	No
Day nursery or day care centers.	Yes (CUP)	Yes (CUP)	No
Educational facilities.	Yes (CUP)	No	No
Family care homes, group homes or foster homes.	Yes	No	No
Farmer's markets.	Yes (CUP)	Yes	No
Financial institutions. (Banks)	Yes	Yes	No
Fire stations.	Yes (CUP)	Yes (CUP)	No
Firework sales.	Yes (CUP)	No	No
Funeral homes.	Yes	No	No
Garages, public parking.	Yes	Yes	Yes
Gas stations.	No	No	No
Hotels with up to twenty (20) rooms.	Yes (CUP)	Yes (CUP)	No
Indoor recreational facilities.	Yes (CUP)	Yes (CUP)	No
Laundry and cleaning services, off-site cleaning or drop off only	Yes	Yes	No
Library.	Yes (CUP)	Yes (CUP)	Yes (CUP)
Lodges.	Yes (CUP)	Yes (CUP)	No
Major utilities. See Article XXI.	Yes (CUP)	Yes (CUP)	Yes (CUP)
Manufacturing, when incidental to a retail business. CUP if manufacturing is over 2,500 SF or 40% of floor area.	Yes (CUP)	Yes	Yes
Medical offices.	Yes (CUP)	Yes	No
Mini-storage facilities.	Yes (CUP)	No	No
Minor utilities. See Article XXI.	No	Yes	Yes
Museums and art galleries.	Yes (CUP)	Yes	Yes

Offices. *B-1D permitted on second floor, or in non-street facing unit.	Yes	Yes	Yes*
Parks and playgrounds.	Yes (CUP)	Yes	No
Personal service establishments.	Yes	Yes	Yes
Pet shops, but excluding boarding kennels on the premises.	Yes	Yes	Yes
Philanthropic institutions.	Yes	Yes	No
Police station.	Yes (CUP)	Yes (CUP)	No
Printing shops.	Yes	Yes	No
Public facilities.	No	Yes	No
Repair services.	Yes	Yes	No
Restaurants, excluding drive-ins.	Yes	Yes	Yes
Rescue squad.	Yes (CUP)	Yes (CUP)	No
Retail sales establishments.	Yes	Yes	Yes
Theaters and assembly halls.	Yes	Yes	Yes
Tourist homes.	Yes (CUP)	No	No
Townhouses and multifamily dwelling units.	Yes (21-98)	No	No
Wholesale businesses.	Yes (CUP)	No	No

#3. Building Height

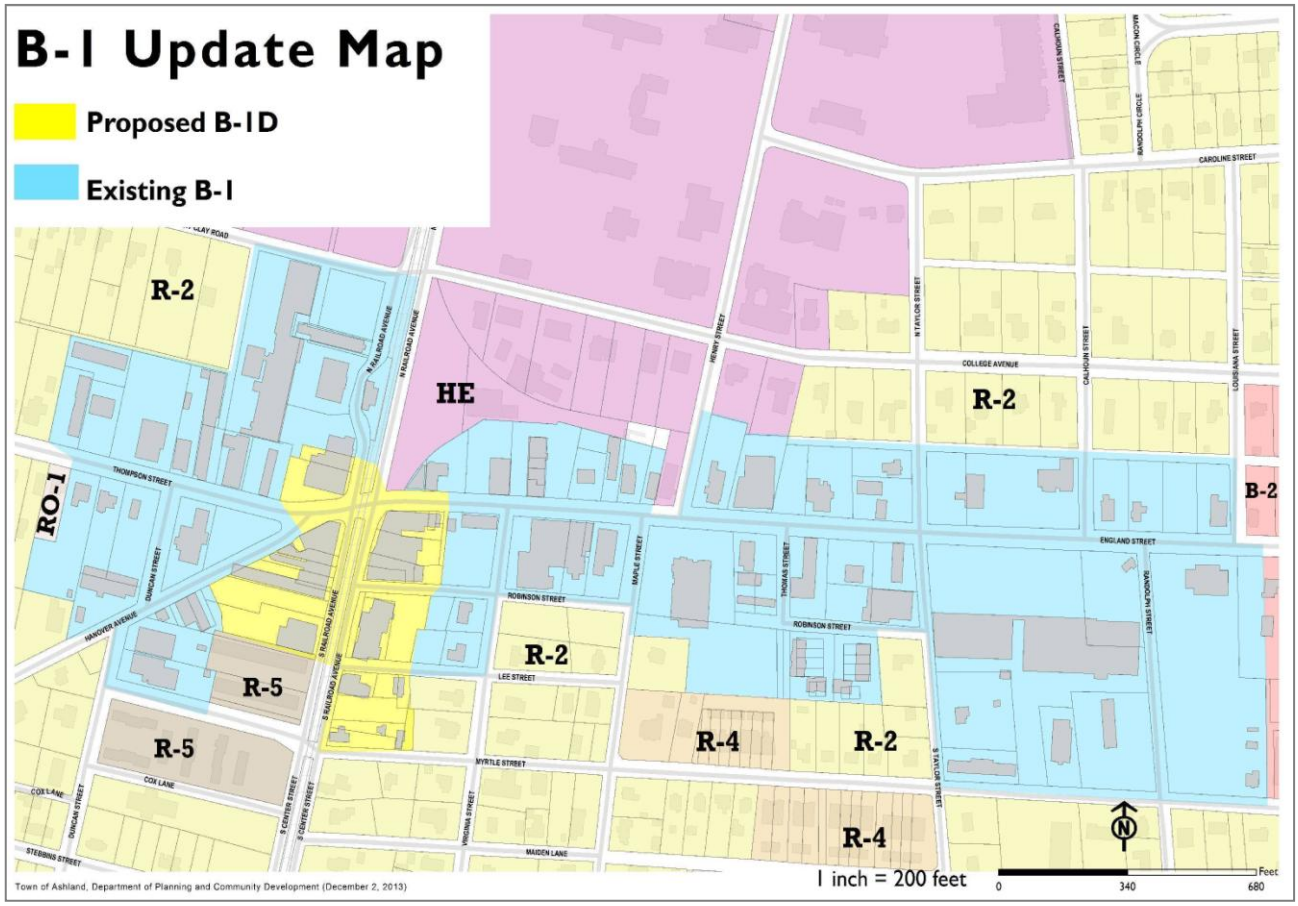
The Comprehensive Plan recommends B-1 property north of England Street and along Thompson Street to be limited in height due the adjacent single family homes. To enact this in regulation, the amendment proposes to lower the maximum height for B-1 properties adjacent to single family residential parcels to 25', with the option for a CUP to reach 35'. If a CUP were obtained, conditions with regard to setbacks or building design elements could be incorporated to mitigate impact on adjacent residential areas.

The map on the following page shows the downtown zoning districts with adjacent zoning, to determine which properties would be impacted by this requirement.

B-1 Building Height (existing): Maximum 35'

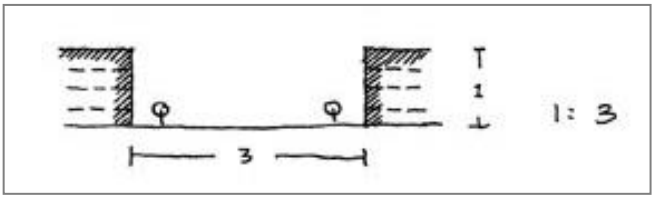
Comprehensive Plan: North of England and North/South of Thompson, Max. 25'; South of England and Historic Downtown, Max. 35'

B-1D and B-1 Building Height (proposed): Maximum 35'; 25' if adjacent to single family residential with CUP option to obtain 35'



#4. Front Setback

The Comprehensive Plan specifies a ratio of 1:3 (height to width) for the placement of buildings and road construction downtown to be compatible with the traditional design of small towns. By encouraging development at this setting, the physical design of the district will evoke a sense of small town America for visitors to the Town.



Historic Small Town Development Ratio

Currently, the most incompatible locations are along the corridors of Thompson/England Street leading into downtown. The proposed amendment recommends establishing a maximum setback of 25' for the B-1 district. This maximum setback could possibly direct new development closer to the street, thus locating it at a more historic setback. The map on the following page displays the current building layout in the downtown districts with a 25' setback line to review current compatibility with this line.

No change was made to the regulation for the historic downtown core, as future development will be in line with the setback of the historic building facades.

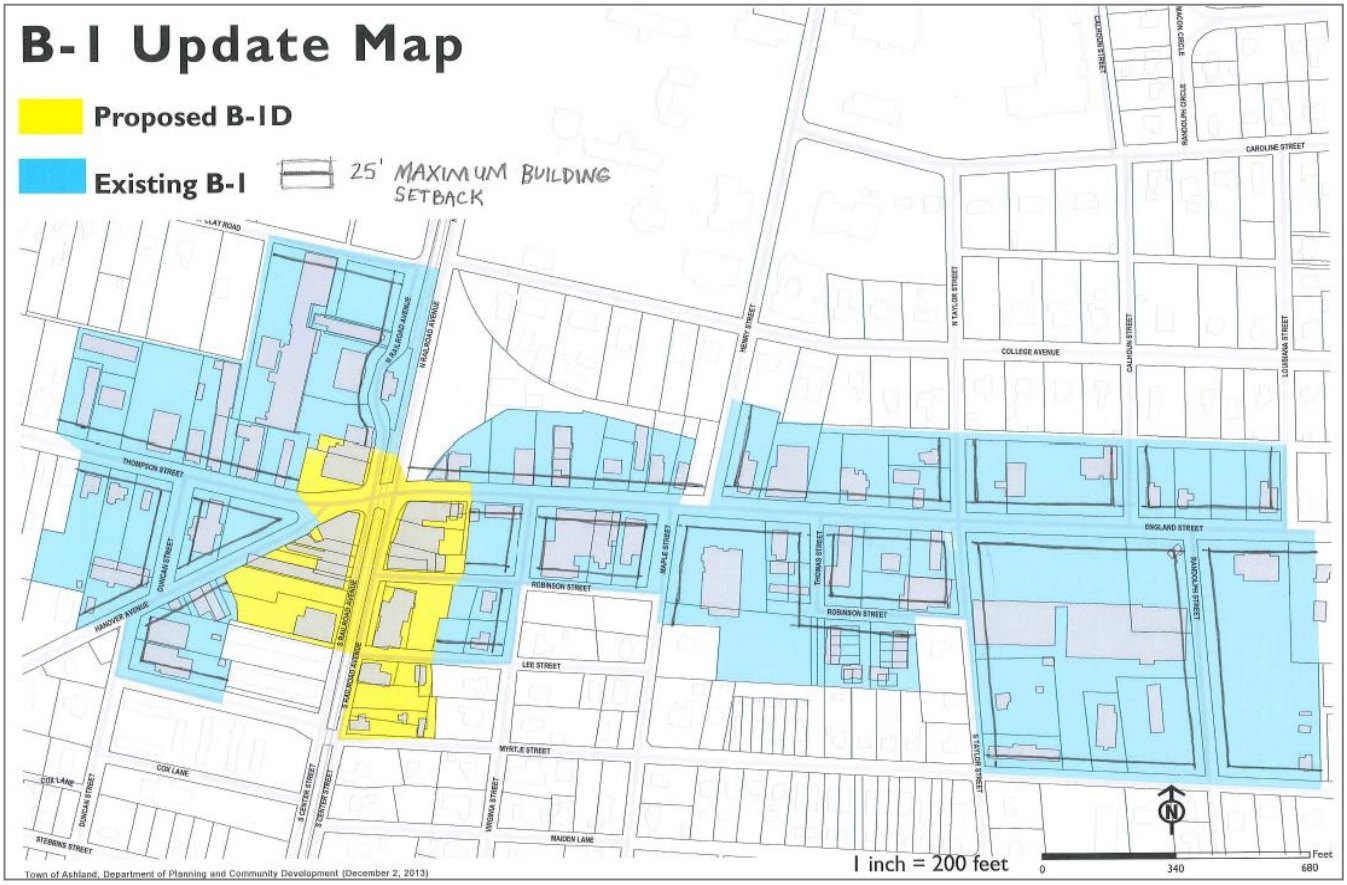
- Minimum - No minimum front setback.
- Maximum - Align front setback with average of adjacent historic structures, if adjacently located.

B-1D (proposed): Front Setback

- Minimum - No minimum front setback.
- Maximum - Align front setback with average of adjacent historic structures, if adjacently located.

B-1 (proposed): Front Setback

- Minimum - No minimum front setback.
- Maximum - 25' maximum setback. Minimum 50% of building frontage must meet maximum setback, or development shall bring the existing structure into greater conformity with the maximum setback.



#5. Architectural Features or Elements

Minimum Window Percentage

The Comprehensive Plan recommends that buildings should have large, retail-sized, first floor windows to create an inviting pedestrian feel to the district and further historic development. Also, large first floor windows are an accepted Crime Prevention Through Environmental Design (CPTED) practice for reducing crime as more eyes are on the street.

In the downtown core, a majority of buildings have a first floor window percentage in the 40%-60% range, with only a few below the 40% mark. In the proposed B-1 district, the range is 25%-45% range, with a few below the 25% mark. A few calculations are provided below, with additional examples available upon request.

B-1D, Central Business District – Downtown

55%

53%

18%

B-1, Central Business District

27%

11%

30%

Other localities requirement for historic downtown first floor window percentage minimum is commonly in the 60% - 70% range. This amendment proposes a more conservative minimum first floor window percentage of 50% for B1-D and 25% for B-1, to ensure that future buildings would be compatible with historic development, while balancing the interests of property owners who might undergo a site plan for upgrades to the property. A desired first floor window percentage range of 60%-70% will be identified in the Design Guidelines Handbook.

B-1 Windows (existing): None.
Comprehensive Plan: Larger retail-sized windows on the first floor set at a few feet off of the ground to allow pedestrians to view into building. On the second story, office or residential sized windows with detail.

B-1D Windows (proposed): Minimum 50% window percentage for first floor*

B-1 Windows (proposed): Minimum 25% window percentage for first floor*

**First Floor = Measured from the "roof of the first floor" or bottom of the second floor/roof line, as an architect would measure. Only required for one street facing building façade per building (as applied to buildings on corner lots or with two street facing fronts).*

Window: Any opening in a wall or roof which functions or appears to function or appears to function to admit light to a building or structure. This would not include entrances or architectural fenestration, as these items will be addressed in other places of the Code.

Street Entrance

The Comprehensive Plan calls for a minimum of one street fronting entrance per building. Currently there are a total of 5 buildings, all in the proposed B-1, that do not have a street fronting entrance. Due to the recommendation in the Comprehensive Plan, combined with the desire to increase pedestrian activity in the district, this amendment recommends a minimum requirement that all buildings in B-1 and B-1D be required to provide one street front entrance per building. For a building fronting on two streets, only one entrance would be required.

B-1 Entrance (existing): None.

Comprehensive Plan: Require entrance on street front

B-1D and B-1 Entrance (proposed): Minimum one (1) pedestrian entrance per building with street frontage where the entrance is located on the street front. Corner lots with a building facing two street frontages would only be required to have one (1) pedestrian entrance.

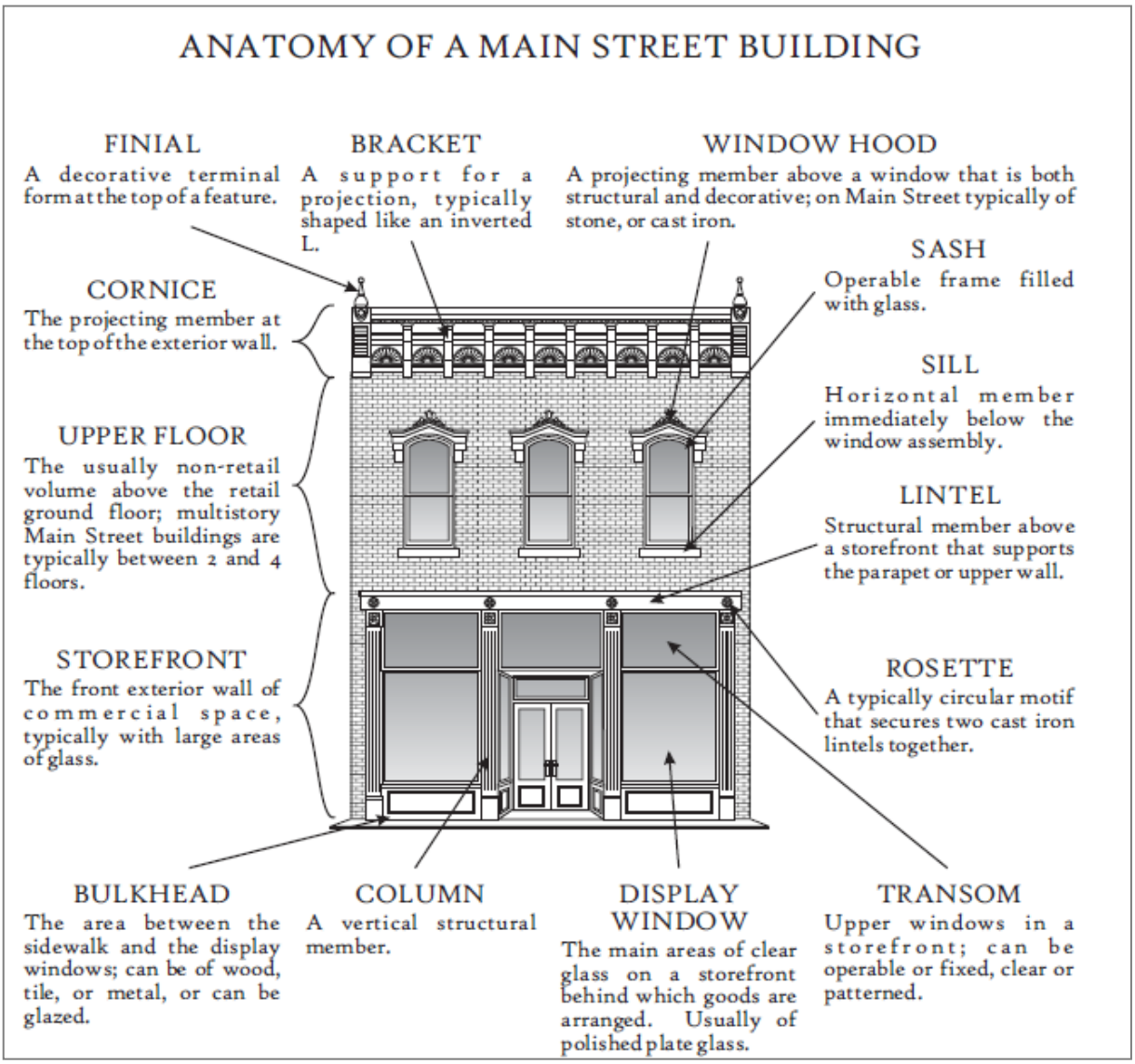
Pedestrian Entrance. A door that provides pedestrian access to the public sidewalk. For a business that is open to the public, the door must be a usable entrance during business hours.

Architectural Features

The Comprehensive Plan identifies preferred architectural styles (early 20th century or industrial age) and materials (stone, brick, stucco) to be used in downtown. Furthermore, the Design Guidelines suggests details such as awnings, columns, and edge detailing, to address the building façade's first floor (second if applicable) and cornice.

To implement the desire for improved architecture, localities have increased oversight to include historic review boards, limit building materials, or specified the spacing and massing of building elements. In reviewing these practices, it was a strong desire of the Planning Commission to recommend regulation that allowed private development personal creativity in meeting any requirement.

The proposed regulation allows for personal choice, as the developer chooses the architectural elements to address the first floor, second floor (if applicable), and cornice sections of the building façade. The following image from the Illinois Main Street Program displays the list of varied items that could be used to fulfill such a requirement:



An existing example of this type of regulation in Town is found in parking landscaping. The requirement calls for landscaping to generally consist of trees, shrubs, vegetative ground cover, or other plant material. This allows the developer to choose plant types and arrangement, while providing the improvements desired by the community.

The proposed regulation for architectural elements mirrors this regulation, as the requirement of first floor, second floor (when applicable), and cornice sections be addressed through architectural elements of the private developers choosing. Desired architecture identified in the Comprehensive Plan will be provided in the Design Guidelines handbook to aid in recommending best practices.

B-1 Architectural Elements (existing): None.

Comprehensive Plan: Preferred architectural styles (early 20th century or industrial age), materials (stone, brick, stucco), and details such as awnings, columns, and edge detailing, to address the building façade's first floor (second if applicable) and cornice.

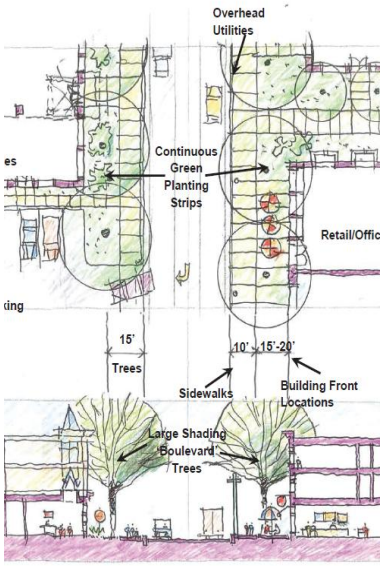
B-1D and B-1 Architectural Elements (proposed): Building walls that front on a street shall include a combination of architectural features customarily found on the front of a commercial building, such as: awnings, brackets, window hoods, still, lintels, bulkheads, columns, cornice work, edge detailing, decorative finish materials, or other architecture elements; as to address the first floor, second floor (when applicable), and cornice.

For structures of residential character, building walls that front on a street shall include a combination of elements such as: dormers, shutters, porches, cornice details, gables, scrolls, brackets, lintels, chimney, and other architectural elements; as to address the first floor, second floor (when applicable), and roof.

#6. Landscaping and Trees

Street Trees

As seen in the Comprehensive Plan image, England/Thompson Street is identified as a tree lined boulevard. The plan recommends 15' - 20' landscaped setbacks and a minimum one street tree per 40'. In the historic downtown the plan recommends no minimum street tree requirement, as maximum building development is encouraged.



England Street as a "Tree Lined Boulevard" (Comprehensive Plan, 2011)

The amendment proposes an increase in requiring 1 tree per 40' of frontage due to the recommendation of a street tree boulevard in the Comprehensive Plan and by the fact that this frequency is similar to other jurisdictions.

Furthermore, in reviewing the existing built environment, it was noted that many sites currently do not have sufficient room to add additional street trees. In these circumstances, this amendment proposes adding an administrative waiver where it would not be feasible.

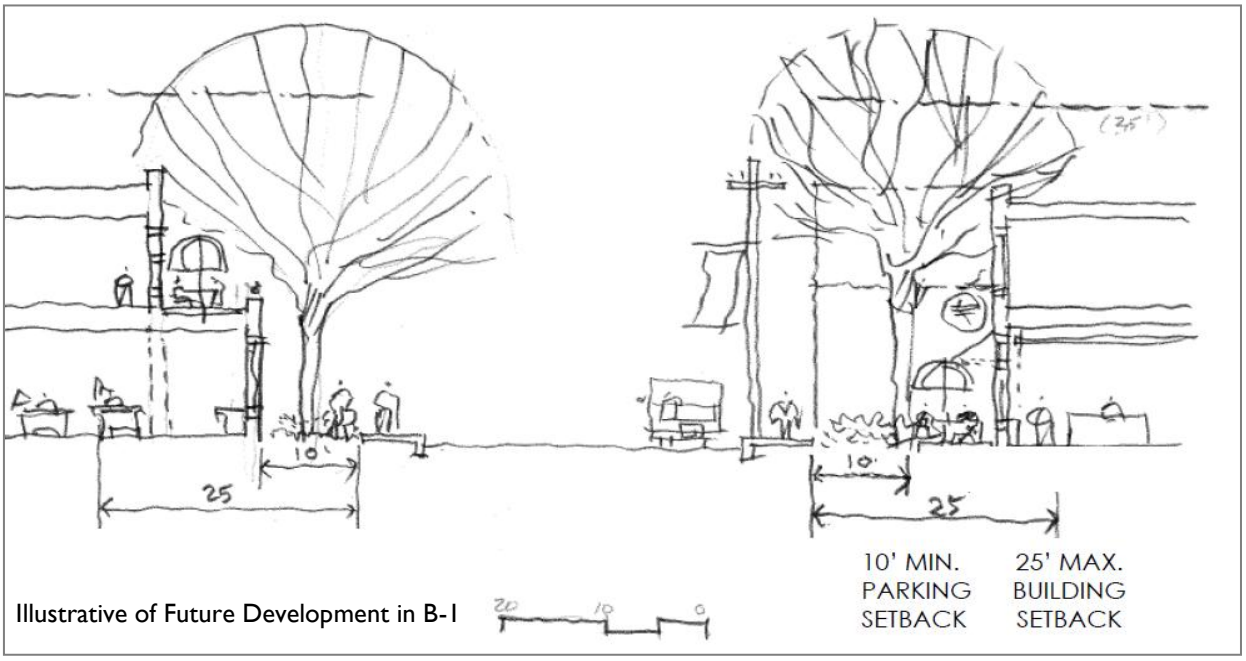
B-1 Street Trees (existing): Minimum 1 street tree for every 50' of frontage
Comprehensive Plan: England and Thompson Street as "tree lined boulevard" leading into Downtown, 1 street tree per 40' of frontage

B-1 (proposed): Minimum 1 street tree per 40' of frontage. The administrator may reduce or eliminate this standard based on the size, street frontage, existing vegetation, or specific conditions of the site.

Parking Buffer

As stated previously, increasing street trees and landscaping along England/Thompson Street is highly desired in the Comprehensive Plan, but at times incompatible with the current arrangement of impervious surface (buildings and pavement).

To achieve what was recommended for these corridors, the Planning Commission, with a large hand from Commissioner and Architect Bob Brown, identified sections where landscaping and trees could be placed along the sides of buildings or wherever available. An example of these locations can be seen in the image on the next page. To ensure that enough planting area would be provided in these spaces, the Planning Commission recommended increasing the parking buffer along the sidewalk from 5' to 10'. This would not only further the landscaping design goals, but would increase pedestrian safety and environmental quality.



B-1 Parking Buffer (existing): Minimum 5' peripheral landscape buffer

Comprehensive Plan: England and Thompson Street as a "tree lined boulevard" leading into Downtown, 15;-20' buffer to be improved landscaping with trees and other plant types.

B-1 Parking Buffer (proposed): Min. 10' landscape buffer between parking and sidewalk.

#7. Outdoor Storage vs. Display

The existing regulation does little to define the difference between outdoor storage and display. This uncertainty has led to citizen and staff frustration, as when complaints are

received there is no clear language to determine whether an item is being stored or on display. Defining this difference would provide clarity for all.

Standards for outside storage are addressed differently in Town. In B-1, no outside storage is allowed. Storage of materials must be entirely enclosed in the same building as the business. In M-1, outdoor storage must be within a completely enclosed building or properly screened (screening materials are defined). Material display is not defined in the code.

In reviewing other jurisdictions regulation on outdoor storage vs. display, the differentiation is that display is tied to sales and storage to operations. The determination between the two is enforced by the zoning administrator with the decision based upon factors such as: (A) quantities, (B) location and (C) accessibility to the general public.

Example - Outdoor Display (Figure 1) →

(A) Smaller quantities that would need to be replaced if sold, not an overabundance of one single product that would sit outside for a long period, variety of product
(B) Located adjacent to building and presented as retail, easy access for customers to load in vehicles
(C) Easily accessible for loading into cart or truck, not stacked at a height which would limit accessibility

Example - Outdoor Storage (Figure 2) →

(A) Larger quantities wrapped for transportation/storage
(B) Located next to truck loading area, no retail component
(C) Located behind wooden fence, not easy for pedestrian access

Although this test still allows for some subjectivity, it provides a much clearer definition for Town staff to interpret and enforce. Additionally, this amendments includes language to detail that screening must be provided to fully block view of outdoor storage from public view, instead of only providing a 6' screen, as is currently required in Town screening standards.

B-1 Outdoor Storage (existing): No outdoor storage. Storage of materials must be entirely enclosed in the same building as the business to which it is incidental or in a building immediately adjacent thereto.

B-1 Outdoor Display (existing): None.

Outdoor Storage vs. Outdoor Display (proposed): Whether merchandise is being stored or displayed for sale shall be determined by the zoning administrator based on such factors as quantities, location and accessibility to the general public. Merchandise which is stacked beyond the reach of the public or which is maintained in bulk quantities shall be presumed to constitute storage.

B-1D Outdoor Storage (proposed): Keep existing regulation. *No outdoor storage. Storage of materials must be entirely enclosed in the same building as the business to which it is incidental, or in a building immediately adjacent thereto.*

B-1 Outdoor Storage (proposed): Storage of materials shall not be located in any front yard and must be fully screened from view of public right of way or street.

B-1D and B-1 Outdoor Display (proposed): Outside display shall be for the sale and display of seasonal or temporary merchandise as an incidental part of retail activities regularly conducted from a permanent building, provided that such merchandise is displayed in an orderly manner within sidewalk or courtyard areas located immediately adjacent to or upon the same lot or parcel as the primary use. A clear path of no less than 5 feet shall be maintained to ensure pedestrian and/or safety personnel access along sidewalks and areas of ingress/egress from structures.

PLANNING COMMISSION Meeting March 12, 2014:

Planning Commission received a presentation from staff on the proposed changes for the B-1, Central Business district. The presentation included a review of input received at the property and business owners community meeting held the week previous. Multiple citizens spoke during the public hearing. A main point of concern was the limitation of uses in the proposed B-1D, Central Business Downtown district, as these may be too restrictive on property owners. Options were offered to include these uses with a CUP, instead of not permitting at all. Specific uses such as indoor recreation, educational facilities, and other "meat and potatoes" businesses were mentioned in public comment as uses to review. Outside of the permitted uses, comments received were both in-favor of, and against, some of the other regulations (windows, setbacks, etc.).

Following the recommendation of staff, the Planning Commission decided to continue the public hearing and defer action on ORD2014-02 to allow for further review of the proposed changes in-light of the public comments received.

CONCLUSION:

Staff requests that the Planning Commission review, hold a public hearing, and provide a recommendation to Town Council on the proposed amendment package for B-1.

The amendment package proposes the following changes:

- New zoning district, Central Business District - Downtown (B1-D)
- Update permitted uses
- Maximum building height

- Maximum setback for buildings in B-1
- Minimum window percentage of façade for first floor
- Requirement for buildings to address the first floor, second floor (if applicable) and cornice with architectural features
- Standards for outdoor storage and display
- Minimum one street fronting entrance
- Updates landscaping and street tree requirement standards
- References in code to reflect new B-1D district
- Updated use definitions

In reviewing B-1 through Planning Commission work sessions, factors balanced were those of the vision for Downtown, as articulated in the Comprehensive Plan, the current built environment and economic climate, and other localities best practices. Issues pertaining to property rights, pedestrian safety, environmental protection, and future development, among others, were discussed at length. Certain B-1 regulations were repealed as others were enhanced. Many of the Comprehensive Plan recommendations that were not adopted as regulations have been tasked for the Design Guidelines Handbook, which will be reviewed at a later date, as they will provide detail for what is desired.

Feedback gained from the property and business owners meeting, and during the March 12th Planning Commission public hearing, was used to review the proposed changes to permitted uses. Businesses that would qualify for arts and culture district incentives, along with other specific uses mentioned by the public, were researched by staff and a document was created that identified nine (9) use types to review (see attached). This document will be used to review the recommended uses in the B-1 and B-D districts at the April 9th Planning Commission public hearing.

Therefore, with the thorough review of the Planning Commission in work sessions, and input received from the public in crafting the proposed amendments, staff is recommending approval of the B-1 amendment package.

Staff is recommending approval of ORD2014-02.

Permitted Uses in B-1D and B-1 Review

From the public hearing and community input session, a main point of concern was the limitation of permitted uses in B-1D. Comments from the Planning Commissioners also informed staff on possible uses to further review.

The following defines Arts and Cultural District businesses that would quality for incentives:

> "(c) *Qualified arts organization* shall mean a business…that positively contributes to the spectrum of arts and cultural activities and venues available to the public by presenting live performances of theatre, dance, music, or other imaginative work and/or producing or exhibiting physical works created by, or under the direction of one or more artists, which are intended for unique production or limited reproduction. Museums or historic sites, the primary mission of which is education, history, or historic preservation, may also qualify as qualified arts organizations. Theaters, including movie theaters, art galleries, dance studios, music venues, performance spaces, art schools and academies, including culinary arts schools and academies, are examples of qualified arts organizations. (Sec. 6-119)"

The following uses were reevaluated to take a closer look at where possible arts and culture district uses (or uses identified by citizen comments) would fall into our zoning code:

1. Educational facilities (vocational, professional or arts-based)
    a. Art schools and academies, including culinary arts schools and academies
    b. Vocational or other professional training centers
    c. Dance studios
2. Hotels with up to twenty (20) rooms
3. Indoor recreational facilities
    a. Experience based businesses (e.g. Jumpology)
4. Repair services
    a. Specialty repair services
5. Printing shops
    a. 3D printing
6. Auction houses
7. Laundry and cleaning services, off-site cleaning or drop off only
8. Media development or production studio
9. Co-working or business incubators/development centers

1. Educational facilities

Existing: Schools with a CUP (Nothing for educational facilities)

Educational facilities. A public or private facility for the general or specialized education or instruction of professional, vocational or art-based skills. Services offered include education or training in business, commerce, language, art, dance or other similar activity or occupational pursuit, including culinary arts schools and academies. Not otherwise defined as a school.

This would allow businesses that are eligible for arts and culture tax incentives, such as dance studios, performance arts, and culinary arts and associated academies, to be permitted. The schools definition would be kept in place and applied to institutions that would operate from an academic curriculum that is substantially the same as that of a public or private university.
Schools. Public schools and private schools having substantially the same curriculum as public schools.

2. Hotels with up to twenty (20) rooms
Existing: Permitted with CUP

This use increases revenue by the collection of transient occupancy tax. It would directly bring people into the downtown shopping district. Although this is a non-retail use, it would create pedestrian activity as visitors would have the opportunity to live and shop downtown.

3. Indoor recreational facilities
Existing: Public billiard parlors and poolrooms, bowling alleys, dance halls and similar forms of public amusement, amusement centers with a conditional use permit.

Indoor recreational facility. Predominantly participant uses conducted within an enclosed building, but not including public facilities. Typical uses include, but are not limited to, arcades, bowling alleys, billiard parlors and poolrooms, dance halls, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities. Restaurants and retail sales establishments with pool tables and video game machines as accessory uses shall not be considered an indoor recreational facilities.

Although these are not traditional retail businesses, selling products to customers, they are retail in the sense that they are selling an experience (e.g. Jumpology at VA Center Commons). These types of businesses are a growing niche as traditional retail purchases are increasingly made over the internet.

Possible downside would be businesses that would require memberships or set limited hours, that would not further business opportunities for day visitors, shoppers, or pedestrian activity.

4. Repair services
Existing: Permitted

Repair services. Establishments primarily engaged in the provision of repair services, but excluding automotive repair uses. Such uses include, but are not limited to, appliance repair shops, shoe repair, watch or jewelry repair, bicycle repair, and musical instrument repair.

This use would account for unique craftsman businesses for shoe, electronics, or other goods repair that might fit into an arts and cultural district category.

5. Printing shops
Existing: Permitted

Printing shop. A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, facsimile sending and receiving, offset printing, publishing, binding, and newspaper printing.

3D printing could be a possible arts and culture use under this definition.

6. Auction houses
Existing: Not permitted

Auction house. A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other, with all events and storage of inventory entirely enclosed in a permanent building or structure.

Art auction houses or other re-use resale stores would fall under this definition.

7. Laundry and cleaning services, off-site cleaning or drop off only
Existing: Permitted

Drop-off only laundry would be similar to the use of "personal services" that is recommended to be permitted for B-1 and B-1D.

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.

8. Media development or production studio
Existing: None. Broadcasting studies not requiring a tower are permitted.

What if a recording studio or film production company wanted to locate in downtown Ashland? Some of these businesses may be classified as an office, but if actual production (music, film or photography) is being conducted on premises, a separate definition would be needed. Below is staff's initial attempt at defining this new category:

Media development or production studio. Commercial media (film, music, or photography) production that includes on-site filming, videotaping, recording, photography or other means of production. No artistic productions shall be produced which industry standards would consider pornographic or adult-only.

9. Co-working or business incubators/development centers
Existing: None. Office permitted in B-1 and only in non-street facing or second floor units in B-1D.

These business types would be defined as offices under our zoning ordinance.

Office. A room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

Ordinance ORD2014-02

AN ORDINANCE to amend The Code of the Town of Ashland, Chapter 21 "Zoning," Article I "In General," Section 21-3 "Definitions" by adding or amending use definitions. Ordinance No. 2014-02 also amends Article X "Central Business District, B-1," Section 21-91 "Statement of intent," Section 21-92, "Use Regulations" to update permitted uses, Section 21-97, "Height Regulations," Section 21-94.1, "Setback Regulations;" by adding Section 21-92.1, "Requirements for Permitted Uses" to set standards for outdoor storage and display; by adding Section 21-99.11, "Architectural Elements," to regulate minimum window percentage and minimum architectural elements; and by adding Section 21-99.12, "Street Entrance" to establish a minimum entrance requirement. Ordinance No. 2014-02 also adds article X-A, "Central Business District – Downtown - B-1D," by adding Section 21-99.2, "Statement of Intent," Section 21-99.3, "Use Regulations," Section 21-99.4, "Regulations for Permitted Uses," Section 21-99.5, "Area Regulations," Section 21-99.6, "Frontage Regulations," Section 21-99.7, "Setback Regulations," Section 21-99.8, "Yard Regulations," Section 21-99.9, "Driveways," Section 21-99.91, "Height Regulations," Section 21-99.92, "Special Provisions for Townhouses and Multifamily Units," Section 21-99.93, "Site Plan Required," Section 21-99.94, "Landscape Plan," Section 21-99.95, "Architectural Elements," and Section 21-99.96 "Street Entrance." Ordinance No. 2014-02 also amends article XXI, "Landscaping" Section 21-234, "Number of Street Trees Required," to increase the minimum tree requirements and create an administrative exception process. Ordinance No. 2014-02 also amends article XXV, "Supplemental Regulations," by adding Section 21-277, "Outdoor Storage/Display." Finally, Ordinance No. 2014-02 amends the following sections to include references to the newly established B-1D district: Section 21-232 "Tree planting and preservation," Sec. 21-233 "Landscape setbacks," Sec. 21-236 "Buffers, screening and location of certain outside facilities," Sec. 21-263 "Satellite antenna location," Sec. 21-206 "Exceptions from off-street parking," Sec. 21-207.1 "General provisions," Sec. 21-208 "Signs permitted," Sec. 21-209 "Illuminated signs," and Sec. 21-8. "Enumeration of districts."

WHEREAS, the Town Council has held a public hearing on the 12 day of March 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~~: Existing text repealed
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.

Alternative financial institution. Any check cashing establishment, consumer finance company, motor vehicle title lender, or payday lender, as defined in this chapter.

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.

Art gallery. A room or structure in which original works of art or limited editions of original art are bought, sold, loaned, appraised, or exhibited to the general public.

Assembly hall. A building or structure designed or intended for use for the gathering of people as an audience to hear music, lectures, plays, and other presentations.

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

Assisted living facility. A facility providing a special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. Such facilities include nursing

homes, convalescent homes, rest homes, and may also provide adult day care services as an accessory use to these uses.

Auction house. A place where objects of art, furniture, and other goods are offered for sale to persons who bid on the object in competition with each other, with all events and storage of inventory entirely enclosed in a permanent building or structure.

Automobile graveyard. See "junkyard."

Automobile rental agency. A facility for the leasing or renting of automobiles and light trucks and vans, including incidental parking and servicing of vehicles that are made available for rent or lease.

Automobile repair service station. A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting. All work and repairs must be performed on-site and in a fully enclosed building.

Automobile sales, new. The use of any building, land area, or other premises or portion thereof, for the display, sale, or lease of new automobiles and including any warranty repair work and other repair service conducted as an accessory use.

Automobile sales, used. The use of any building, land area, or other premises or portion thereof, for the display or sale of used automobiles.

~~*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.~~

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

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

Billboard. See "sign, billboard."

Board. The board of zoning appeals for the town.

Boarding house. A "rooming house."

Boarding kennel. A place designed and used to house, board, breed, handle or otherwise keep or care for dogs, cats, or other household pets in return for compensation.

Broadcasting studio. Commercial and public communication uses including radio and television broadcasting and receiving stations and studios.

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

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

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

Building supplies and service. A retail sales establishment primarily engaged in the retail or wholesale sale of materials and equipment used in the construction of buildings or other structures, but specifically excluding automobile sales. Such uses typically include building material stores and home supply establishments.

Business apartment. A business space in the B-1 zoning district arranged in a manner that permits or includes an area on the first floor not to exceed seven hundred (700) square feet used for living space. Regardless of the foregoing, at least fifty (50) percent of the total floor area of the first floor must be devoted to work or sales, and the work or sales space must front on the street. The living area shall be occupied only by the owner or manager of the business. The entire unit's street front façade shall be occupied by nonresidential uses and treated as pedestrian-oriented with interior views of the commercial space and a clearly designed business entrance.

Caliper. The diameter of a tree at the specified distance above ground level. Unless otherwise noted, the caliper shall be measured four and one-half (4 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).

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

Catering establishment. An establishment in which food and meals are prepared on the premises, and are delivered

Check cashing establishment. Any person or establishment engaged in the business of cashing checks, drafts or money orders for compensation, and registered with the state corporation commission pursuant to Code of Virginia, § 6.1-433.
to another location for consumption.

~~*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.

Circuit court. The circuit court for Hanover County.

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

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

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

Commission. The planning commission of the town.

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

Community garden. A private or public area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

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

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.

Consumer finance company. Any establishment, other than a bank, savings and loan, or credit union, engaged in the business of making loans to individuals for personal, family, household, or other nonbusiness purposes.

Contractor's office. A facility for the conducting of a contractor's business affairs, where business is conducted entirely within a completely enclosed building and where there is no storage of supplies or equipment outside the building.

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.

Drive-in theater. An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions to patrons seated in automobiles.

Duplex. A two-family dwelling.

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

Dwelling 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.

Financial institution. An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies including, but not limited to, banks, savings and loans, or credit unions. Such uses shall not include alternative financial institutions.

Firework sales. The temporary sale of any substance or combination of substances or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation.

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

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

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

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

Fraternity/sorority house: A social or academic association of the students or alumni or alumnae of a college or university usually having a name consisting of Greek letters,

recognized by a nationally chartered society and recognized by an accredited institution of higher learning, in Ashland, and recognized by the State Council of Higher Education for Virginia.

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

Funeral home. A facility for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation. Such uses may include funeral chapels and crematoriums.

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

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

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

Gas station. Any place of business used for the storage, dispersal, sale, or offering of fuels and oils for motor vehicles. Such uses may also include the retail sale of convenience items as a secondary activity. Any establishment that offers automobile fuels for sale or dispersal, whether as a primary or accessory use, shall be considered a gas station.

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.

Heavy equipment. A movable or transportable vehicle or other apparatus commonly used in agricultural, commercial, industrial, or construction enterprises including, but not limited to, trucks, trailers, bulldozers, backhoes, rollers, loaders, lifts, tractors, harvesters, or combines.

Heavy equipment sales and service. A retail sales establishment primarily involved in the sales and service of heavy equipment and machinery, and provided that all servicing takes place in a fully enclosed building.

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. A building or group of attached or detached buildings in which temporary lodging is provided and offered to the public as transient guests in return for compensation. Such uses may provide additional services such as daily maid service, restaurants, meeting rooms, and/or recreation facilities. Such uses include hotels, motels, motor lodges, and motor courts.

~~*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.~~

Indoor recreational facility. Predominantly participant uses conducted within an enclosed building, but not including public facilities. Typical uses include, but are not limited to, arcades, bowling alleys, billiard parlors and poolrooms, dance halls, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities. Restaurants and retail sales establishments with pool tables and video game machines as accessory uses shall not be considered an indoor recreational facilities.

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

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

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. A facility, owned or operated by a corporation, association, person or persons, for social, educational, or recreational purposes, to which membership is required for participation and not primarily operated for profit nor to render a service that is customarily carried on as a business. A lodge does not include fraternities, sororities, or facilities for members to reside.

~~*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.~~

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.

Machinery sales and service. A retail sales establishment primarily involved in the sales and service of machinery and equipment that is not defined as heavy equipment, and provided that all servicing takes place in a fully enclosed building.

Major utilities. Facilities for the distribution, collection, treatment, production, transmission, and generation of public utilities including, but not limited to, transmission lines, production plants, plant expansions, electrical substations, pumping stations, treatment facilities, and communication facilities.

~~*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.~~

Manufacturing. The mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials including but not limited to oils, plastics, resins, etc.

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.

Medical office. A building used exclusively by physicians, dentists, and similar personnel for the treatment and examination of patients solely on an outpatient basis, provided that no overnight patients shall be kept on the premises.

Metal and gem dealers. An establishment for the purchasing, acquiring, and selling of precious metals and gems, and in accordance with Chapter 9.1 of the Ashland Town Code.

Micro-brewery. A facility for the production, bottling, packaging and sale of beer, malt beverages, and or hard cider of low alcohol content, produced on site for distribution, retail or wholesale, on or off-premises sales, with a capacity of not more than 10,000 barrels per year.

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

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

Minor utilities. Facilities for the distribution and collection of public utilities including poles, lines, distribution transformers, pipes, meters, and any other facilities necessary for the provision and maintenance of public utilities, including railroads and their facilities.

Motor vehicle title lender. Any establishment engaged in the business of lending money secured by a non-purchase interest in a motor vehicle.

Museum. A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

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

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

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

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

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.

Office. A room, suite of rooms, or building used for conducting the affairs of a business, profession, service industry, or government.

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

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

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

Outdoor recreational facility. Predominantly participant uses conducted in open or partially enclosed or screened facilities, but not including public facilities. Typical uses include, but are not limited to, driving ranges, miniature golf courses, tennis courts, motorized cart tracks, swimming pools, and athletic ball fields.

Park. Any area that is predominantly open space, used principally for active or passive recreation, and not used for a profit-making purpose. Any area designated by the town as a park.

Park-and-ride lot. An off-street parking facility designed or intended to provide peripheral collection and storage of vehicles to accommodate commuter traffic into or out from the community, including accessory structures such as passenger shelters.

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

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

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

Payday lender. Any establishment, other than a bank, savings and loan, or credit union, engaged in the business of making short-maturity loans on the security of (1) a check, (2) any form of assignment of an interest in the account of an individual at a depository institution, or (3) any form of assignment of income payable to an individual, other than loans based on income tax refunds.

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.

Pet shop. A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry.

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

Playground. An area developed with play apparatus for active play and recreation.

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

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

Printing shop. A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, facsimile sending and receiving, offset printing, publishing, binding, and newspaper printing.

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.

Repair services. Establishments primarily engaged in the provision of repair services, but excluding automotive repair uses. Such uses include, but are not limited to, appliance repair shops, shoe repair, watch or jewelry repair, bicycle repair, and musical instrument repair.

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).~~

Retail sales establishment. A commercial enterprise offering the sale or rental of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by definition.

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

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

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

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.

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 or any otherwise lawful noncommercial message that does not direct attention to a business operated for profit or to a commodity or service for sale.

Sign, attached. A sign which is painted on or attached flat against a wall, window or other vertical surface of a building or other structure, including the face of a porte-cochere, 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.

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, 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.

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.

Sign, fuel pump. A sign placed directly on, or attached to a fuel pump.

Sign, gas station canopy. A structure, preferably pitched in nature that provides shelter to those utilizing the pumps that are directly below it.

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

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

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. Such sign shall not be considered a billboard sign as defined herein.

*Sign, temporar*y. A sign applying to seasonal or other brief activity, including but not limited to summer camps, horse shows, auctions or charitable educational or religious events; and in addition thereto, including the following types of signs:

(1) Political campaign signs announcing candidates seeking public political office or other data pertinent thereto;

(2) Construction 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;

(3) Real estate signs pertaining to the offering for sale or lease of the land or structures on the land on which such sign is placed;

(4) Yard sale signs announcing to the public the location of a temporary sale of various items of merchandise at a residence.

Sign, traffic control. A sign not exceeding twelve (12) 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, walkway. A sign attached to a ceiling or walkway covering outside the main entrance to a business in a shopping center, and containing the name of the business.

Sign, A-frame. A unique, freestanding sign that resembles the letter "A." It must be of professional quality and should meet all rules and regulations as specified in the Development Guidelines Handbook and the zoning ordinance, including having a sign permit approved by the town. It must be constructed of acceptable materials as approved by the zoning administrator. All A-frame signs must have the business name permanently affixed. A-frame signs may also contain a chalkboard or marker board.

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.

Telecommunication tower. A structure designed and constructed to support one or more antennas used by telecommunication facilities and including all appurtenant devices attached to it.

Temporary 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.

Theaters. A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

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.

Transient guest. Any person who, either at their own expense or at the expense of another, obtains lodging or the use of lodging space in any hotel for any period of less than 30 consecutive days. Contractors and construction works requiring lodging for construction projects may stay through the completion of said project.

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

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

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

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

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

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

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

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

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

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

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

Wholesale business. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. Such uses include, but are not limited to, storage buildings and warehouses, and office warehouses.

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

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

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

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

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

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

(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. 21-91. Statement of intent.

~~This district is intended for the conduct of business to which the public requires direct and frequent access, but which is not characterized either by frequent heavy trucking other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noisy congregation of people and passenger vehicles.~~

The B-1, Central Business District is intended to implement the comprehensive plan goals of protecting the town's unique historical and architectural character, ensuring that new development is in keeping with the small-town character of Ashland, encouraging aesthetic treatment along the entrances to town to provide an attractive entry into the historic town core, and promoting tourism and visitor opportunities, all of the foregoing being deemed to advance and promote the public health, safety and welfare of the citizens of Ashland and its visitors. Commercial opportunities include a diversity of specialty, retail services, cultural, recreation, offices, entertainment activities, and public functions which is not characterized either by frequent heavy trucking other than stocking and delivery of light retail goods, or by any other nuisance factors other than those occasioned by incidental light and noisy congregation of people and passenger vehicles. Signing and outdoor storage are regulated in order to promote an attractive and stable urban environment.

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)~~ (3) Banks and financial institutions.

~~(5)~~ (4) Churches.

~~(6)~~ (5) Convenience stores, with a conditional use permit.

~~(7)~~ (6) 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)~~ (7) Fire stations, with a conditional use permit.

~~(10) Funeral homes.~~

~~(11)~~ (8) Garages, public parking.

~~(12)~~ (9) Personal service establishments such as, but not limited to barbershops, beauty parlors, tailors, automatic self-service laundries.

~~(13)~~ (10) Laundry and cleaning services, off-site cleaning or drop off only.

~~(14)~~ (11) Libraries, with a conditional use permit.

~~(15)~~ (12) 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)~~ (13) Off-street parking and loading areas in accordance with article XIX.

~~(19)~~ (14) Office buildings.

~~(20)~~ (15) 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)~~ (16) Pet shops, but excluding boarding kennels on the premises.

~~(22)~~ (17) Philanthropic and charitable institutions.

~~(23)~~ (18) Printing shops.

~~(24)~~ (19) Private clubs and lodges, with a conditional use permit.

~~(25)~~ (20) 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)~~ (21) 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)~~ (22) 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)~~ (23) Commercial radio or television broadcasting stations, studios or offices not requiring on-site receiving/transmitting antennae or towers.

~~(29)~~ (24) 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)~~ (25) Rescue squads, with a conditional use permit.
~~(31)~~ (26) Restaurants, excluding drive-in restaurants.
~~(32)~~ (27) 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)~~ (28) 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)~~ (29) Hotels with fewer than twenty (20) rooms, with a conditional use permit.
~~(43) Fireworks sales, with a conditional use permit.~~
~~(44)~~ (30) Parks and playgrounds~~, with a conditional use permit.~~
~~(45)~~ (31) Farmer's markets~~, with a conditional use permit.~~
~~(46)~~ (32) Business apartment.
~~(47)~~ (33) Dental labs~~, with a conditional use permit.~~
~~(48)~~ (34) Police stations, with a conditional use permit.
~~(49)~~ (35) Bingo games~~, with a conditional use permit.~~
~~(50)~~ (36) Minor utilities. See Article XXI.
(37) Auction houses.
(38) Catering establishments.
(39) Community gardens with a conditional use permit.
(40) Public buildings with related facilities.
(41) Micro-brewery.

(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)

Sec. 21-92.1. Requirements for permitted uses.

Outdoor storage of materials shall not be located in any front yard and must be fully screened from view of public right of way or street.

Outdoor display shall be for the sale and display of seasonal or temporary merchandise as an incidental part of retail activities regularly conducted from a permanent building, provided that such merchandise is displayed in an orderly manner within sidewalk or courtyard areas located immediately adjacent to or upon the same lot or parcel as the primary use. A clear

path of no less than 5 feet shall be maintained to ensure pedestrian and/or safety personnel access along sidewalks and areas of ingress/egress from structures. See article XXV for further definition between outdoor storage and display.

Sec. 21-93. Area regulations.

None. There are no area requirements in this district except as provided for in section 21-98.

Sec. 21-94. Frontage regulations.

There are no frontage regulations in this district, except as provided for in section 21-98.

Sec. 21-94.1. Setback regulations.

There shall be no minimum setback requirement for buildings and structures, provided that no parking area or other area for circulation of vehicles shall be located between the main building on the lot and the street, nor shall any such area be located any closer to the street than the main building. Parking areas shall be located to the side or rear of buildings, and shall be provided with a landscaped setback of not less than ~~five (5)~~ ten (10) feet when adjacent to the sidewalk, which shall be improved and used in accordance with the provisions of section 21-233 (b) and (c) and section 21-234 of this chapter. See the Development Guidelines Handbook for guidelines and examples for treatment of landscaped setbacks.

New buildings or structures built in the B-1 district and adjacent to a building that is of significant historical character in the historic district must be setback the average of the two (2) adjacent structures on either side unless waived by the zoning administrator or a minimum fifty percent (50%) of the new building or structure's front façade shall be no greater than a maximum setback of twenty-five (25) feet from the property line or new development shall bring the existing structure into greater conformity with this maximum setback.
(2-17-04, § A7)

Sec. 21-95. Yard regulations.

(a) *Side*. None except when a use is abutting a residential district, and then there shall be a minimum side yard of fifteen (15) feet, except as provided for in section 21-98.

(b) *Rear*. None, except as provided for in section 21-98 and except when a use is abutting a residential district, and then there shall be a rear yard of twenty (20) feet or more.

Sec. 21-96. Driveways.
No driveway intersecting a street that constitutes the principal frontage of the lot shall be permitted when other street frontage or alley access is available to serve the lot.

(2-17-04, § A8)

Sec. 21-97. Height regulations.

No building or structure shall exceed a height of thirty-five (35) feet from grade. If adjacent to a single family residential zoned parcel then no building or structure shall exceed a height of twenty-five (25) feet from grade with the option of obtaining a conditional use permit to expand the permitted maximum height to thirty-five (35) feet. See article XXV for supplemental height regulations.
(12-15-98, § 1)

Sec. 21-98. Special provisions for townhouses and multifamily units.

(a) *Lot size*. The minimum lot size shall be twenty-five hundred (2,500) square feet per dwelling unit.
(b) *Setback*. Main structure shall be located at least fifteen (15) feet from any street or highway right-of-way.
(c) *Side yards*. Each main structure shall have a minimum side yard of fifteen (15) feet.
(d) *Rear yards*. Each dwelling unit shall have a rear yard of thirty (30) feet.
(e) *Fronting*. Each townhouse shall front on a dedicated public street.
(f) *Facades*. The facades of dwelling units in a townhouse development shall be varied so that not more than two (2) abutting units will have the same or essentially the same architectural treatment of facades and roof lines.
(g) *Density*. There shall be no more than eight (8) dwelling units per development.
(h) *Open space*. Open space shall comprise at least twenty-five (25) percent of the gross area of the development.
(i) *Patio*. Each townhouse shall be provided an appropriate space of not less than one hundred (100) square feet located adjacent to an entrance and constructed of weather resistant material with good drainage.

Sec. 21-99. Site plan required.
A site plan shall be required as set forth in article XVII of this chapter.
(2-17-04, § A5)

Sec. 21-99.1. Landscape plan: landscaping, trees, buffers, and screening.
A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.
(2-17-04, § A3)

Sec. 21-99.11. Architectural elements.
Building walls that front on a street shall include a combination of architectural features customarily found on the front of a commercial building, such as: awnings, brackets, window hoods, still, lintels, bulkheads, columns, cornice work, edge detailing, decorative finish materials, or other architecture elements; as to address the first floor, second floor (when applicable), and cornice.

For structures of residential character, building walls that front on a street shall include a combination of elements such as: dormers, shutters, porches, cornice details, gables, scrolls, brackets, lintels, chimney, and other architectural elements; as to address the first floor, second floor (when applicable), and roof.

Sec. 21-99.12. Street entrance.

Minimum one (1) pedestrian entrance per building with street frontage where the entrance is located on the street front. Corner lots with a building facing two street frontages would only be required to have one (1) pedestrian entrance.

~~Sec. 21-99.2. Reserved.~~

Editors Note: An ordinance adopted February 17, 2004, § A6 repealed § 21-99.2 which pertained to buffer screening adjacent to residential districts and derived from ordinances dated November 24, 1987, § 1 and December 15, 1998, § 1.

Chapter 21. Article X-A. Central Business District – Downtown (B-1D)

Sec. 21-99.2 Statement of intent.

The B-1D, Central Business-Downtown District is the heart of Town culturally, geographically, and historically. It lends the Town its small-Town architecture, scale, and feel. It is intended to be a predominantly pedestrian area, catering to bicycle and pedestrian traffic with shops and storefronts close to the road, pedestrian scale, wide walkways, and limited off-street parking, well screened. The history of the area is retained with preservation of historic structures and replication of style in additions and expansions. The core of the Downtown exudes the vitality of the interaction of people and activities. Commercial opportunities include a diversity of specialty, retail services, cultural, recreation, entertainment activities, and public functions.

Sec. 21-99.3. Use regulations.

The following uses and structures shall be permitted in the Central Business District – Downtown (B-1D):

(1) Accessory uses as defined.
(2) Apartments located above a commercial, retail or office use in the first floor.
(3) Churches.
(4) Garages, public parking.
(5) Personal service establishments such as, but not limited to barbershops, beauty parlors, tailors, automatic self-service laundries.
(6) Museum and art galleries
(7) Off-street parking and loading areas in accordance with article XIX.
(8) Office buildings permitted on the second floor or in non-street facing units.

(9) Pet shops, but excluding boarding kennels on the premises.
(10) 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
(11) 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.
(12) Restaurants, excluding drive-in restaurants.
(13) Retail stores and businesses.
(14) Theaters, motion pictures and assembly halls, but excluding drive-in theaters.
(15) Business apartment.
(16) Minor utilities. See Article XXI.
(17) Micro-brewery.

Sec. 21-99.4. Requirements for permitted uses.

There shall be no outdoor storage. 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.

Outdoor display shall be for the sale and display of seasonal or temporary merchandise as an incidental part of retail activities regularly conducted from a permanent building, provided that such merchandise is displayed in an orderly manner within sidewalk or courtyard areas located immediately adjacent to or upon the same lot or parcel as the primary use. A clear path of no less than 5 feet shall be maintained to ensure pedestrian and/or safety personnel access along sidewalks and areas of ingress/egress from structures. See article XXV for further definition between outdoor storage and display.

Sec. 21-99.5. Area regulations.

None. There are no area requirements in this district except as provided for in section 21-98.

Sec. 21-99.6. Frontage regulations.

There are no frontage regulations in this district, except as provided for in section 21-98.

Sec. 21-99.7. Setback regulations.

There shall be no minimum setback requirement for buildings and structures, provided that no parking area or other area for circulation of vehicles shall be located between the main building on the lot and the street, nor shall any such area be located any closer to the street than the main building. Parking areas shall be located to the side or rear of buildings.

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

Sec. 21-99.8. Yard regulations.

(a) *Side*. None except when a use is abutting a residential district, and then there shall be a minimum side yard of fifteen (15) feet, except as provided for in section 21-98.

(b) *Rear*. None, except as provided for in section 21-98 and except when a use is abutting a residential district, and then there shall be a rear yard of twenty (20) feet or more.

Sec. 21-99.9. Driveways.

No driveway intersecting a street that constitutes the principal frontage of the lot shall be permitted when other street frontage or alley access is available to serve the lot.

Sec. 21-99.91. Height regulations.

No building or structure shall exceed a height of thirty-five (35) feet from grade. If adjacent to a single family residential zoned parcel then no building or structure shall exceed a height of twenty-five (25) feet from grade with the option of obtaining a conditional use permit to expand the permitted maximum height to thirty-five (35) feet. See article XXV for supplemental height regulations.

Sec. 21-99.92. Special provisions for townhouses and multifamily units.

(a) *Lot size*. The minimum lot size shall be twenty-five hundred (2,500) square feet per dwelling unit.
(b) *Setback*. Main structure shall be located at least fifteen (15) feet from any street or highway right-of-way.
(c) *Side yards*. Each main structure shall have a minimum side yard of fifteen (15) feet.
(d) *Rear yards*. Each dwelling unit shall have a rear yard of thirty (30) feet.
(e) *Fronting*. Each townhouse shall front on a dedicated public street.
(f) *Facades*. The facades of dwelling units in a townhouse development shall be varied so that not more than two (2) abutting units will have the same or essentially the same architectural treatment of facades and roof lines.
(g) *Density*. There shall be no more than eight (8) dwelling units per development.
(h) *Open space*. Open space shall comprise at least twenty-five (25) percent of the gross area of the development.
(i) *Patio*. Each townhouse shall be provided an appropriate space of not less than one hundred (100) square feet located adjacent to an entrance and constructed of weather resistant material with good drainage.

Sec. 21-99.93. Site plan required.

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

Sec. 21-99.94. Landscape plan: landscaping, trees, buffers, and screening.

A landscape plan shall be required and landscaping, trees, buffers and screening shall be provided in accordance with the applicable provisions of article XXIII of this chapter.

Sec. 21-99.95. Architectural elements.

Building walls that front on a street shall include a combination of architectural features customarily found on the front of a commercial building, such as: awnings, brackets, window hoods, still, lintels, bulkheads, columns, cornice work, edge detailing, decorative finish materials, or other architecture elements; as to address the first floor, second floor (when applicable), and cornice.

For structures of residential character, building walls that front on a street shall include a combination of elements such as: dormers, shutters, porches, cornice details, gables, scrolls, brackets, lintels, chimney, and other architectural elements; as to address the first floor, second floor (when applicable), and roof.

Sec. 21-99.96. Street entrance.

Minimum one (1) pedestrian entrance per building with street frontage where the entrance is located on the street front. Corner lots with a building facing two street frontages would only be required to have one (1) pedestrian entrance.

Chapter 21. Article XXI. Landscaping.

Section. 21-234. Number of street trees required.

(b) *Number of street trees required*. Street trees shall be provided at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of street frontage. In B-1 this rate shall be not less than one (1) tree for each forty (40) linear feet unless the administrator reduces or eliminates this standard based on the size, street frontage, existing vegetation, or specific conditions of the site. In addition thereto, median strips within a development shall be provided with street trees at the rate of not less than one (1) tree for each fifty (50) linear feet, or major fraction thereof, of such median. It is not the intent of this provision to require that street trees be provided with specific or uniform spacing, but that they be distributed throughout permitted locations with consideration for the species of trees, and the locations of driveways, other landscaping and topographic features, signs, easements and utilities, in accordance with guidelines contained in the Development Guidelines Handbook.
(10-8-85; 9-22-87; 2-17-04)

Sec. 21-232. Tree preservation and planting.

(b) *Tree coverage requirements*. Existing trees shall be preserved or additional trees shall be planted on each lot, and shall be of such species, size and number as to provide an estimated canopy with twenty (20) years after approval of the landscape plan of not less than the following:

(1) Lots in RR-1, R-1, R-2, R-3, R-4, RO-1 and PMH districts: Twenty (20) percent of the lot area; except that lots devoted to office use in the RO-1 district: Ten (10) percent of the lot area;

(2) Lots in R-5 and PUD districts: Fifteen (15) percent of the lot area;

(3) Lots in B-1, B-1D, B-2, M-1, PSC and POB districts: Ten (10) percent of the lot area.

Sec. 21-233. Landscape setbacks.

(a) *Landscaped setback required*. A landscaped setback of not less than twenty (20) feet in depth measured from the existing or future right-of-way, whichever is greater, shall be provided along all streets, except that this requirement shall not be applicable to:

(1) Property located in the B-1 or B1-D districts (See article X of this chapter for setback and yard requirements in the B-1 district or article X-A of this chapter for setback and yard requirements in the B-1D district); and
(10-8-85; 9-22-87; 2-17-04; 10-18-11)

Sec. 21-236. Buffers, screening and location of certain outside facilities.

(a) Buffer and screening on lots adjoining property in RR-1 and residential districts. Where a lot in any business, commercial, industrial or planned development district identified in the table below is adjoining property in an RR-1 or residential district, a continuous buffer not less than the width specified in such table shall be provided on the lot in the business, commercial, industrial or planned development district.

B-1, B-1D, and B-4 districts: Fifteen (15) feet.
(2-17-04; 3-20-07)

Chapter 21. Article XXV. Supplemental regulations.

Section. 21-277. Outdoor storage and outdoor display.

Whether merchandise is being stored or displayed for sale shall be determined by the zoning administrator based on such factors as quantities, location and accessibility to the general

public. Merchandise which is stacked beyond the reach of the public or which is maintained in bulk quantities shall be presumed to constitute storage.

Sec. 21-263. Satellite antenna location.

(b) In the R-1, R-2, R-3 and R-4, R-5, RO-1, B1-D and the B-1 Districts, if usable satellite signals cannot be received by locating the antenna in the rear yard of the property, such antenna may be placed in the side or front yard or on the roof of the dwelling structure, provided that a conditional use permit is obtained prior to such installation. Such permit shall be issued by the town council upon a showing by the applicant that usable satellite signals are not receivable from the rear yard. Normal fees for application for a conditional use permit shall apply.

(c) In the R-1, R-2, R-3, R-4, R-5, RO-1, B-1D and the B-1 zoning districts, a satellite television antenna shall not exceed a total area of ten (10) square feet, and a ground mounted satellite television antenna shall not exceed twenty (20) feet in height, including any platform or structure upon which said antenna is mounted or affixed. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height requirement imposed by this paragraph, such antenna may be installed at a greater height, provided that a conditional use permit is obtained prior to such installation. Such permit shall be issued by the town council upon a showing by the applicant that installation at a height greater than twenty (20) feet is necessary for the reception of usable satellite signals. Normal application fees for a conditional use permit shall apply.

(12-15-98, § 1; 4-30-12)

Chapter 21. Article XIX. Off-Street Parking

Sec. 21-206. Exceptions from off-street parking.

(a) B-1, Central Business District or B-1D, Central Business District - Downtown. Any business which is otherwise permitted under section 21-92 in the Central Business District B-1 or B-1D, Central Business District - Downtown and is under ten thousand (10,000) square feet of gross floor area shall be exempt from meeting the off-street parking requirements as is otherwise provided for in this article.

(1) For any business greater than ten thousand (10,000) square feet of gross floor area in the Central Business District B-1 or B-1D, Central Business District - Downtown, parking shall be provided in accordance with this article only for the portion of the business that exceeds ten thousand (10,000) square feet of gross floor area.

Chapter 21. Article XX. Signs

Sec. 21-207.1. General provisions.

(2) In the, Central Business District B-1, B-1D, Central Business District - Downtown, 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.

Sec. 21-208. Signs permitted.

(f) Only the following signs are permitted in B-1 or B1-D district.[6]

[6] Signage within the B-1 or B1-D district may not be internally illuminated.

Sec. 21-209. Illuminated signs.

(e) No internally illuminated signs shall be permitted in the B-1, Central Business ~~d~~District or B-1D, Central Business District - Downtown.

Chapter 21. Article II. Districts Generally

Sec. 21-8. Enumeration of districts.

For the purpose of this chapter, the incorporated areas of the town are hereby divided into the following districts:

Rural Residential RR-1
Residential, Restricted R-1
Residential, Limited R-2
Residential, Medium R-3
Residential, Medium-High R-4
Residential, Multifamily R-5
Residential, Professional Office RO-1
Central Business District B-1
Central Business District – Downtown B1-D
Highway Commercial B-2
Neighborhood Commercial B-4
Limited Industrial M-1
Higher Education HE
Planned Unit Development PUD
Planned Mobile Home PMH
Planned Shopping Center PSC
Planned Office-Business POB
(6-23-98(2), § 1)

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: Feb. 27, 2014 & March 6, 2014 Town Council: Herald Progress:
Public Hearing:	Planning Commission: March 12, 2014 Town Council:

Adopted:
Effective: