

MARSHALL CODE

BOARD OF SUPERVISORS (6th) DRAFT

September 25, 2017

Board of Supervisors

Provided Direction on September 14, 2017

Planning Commission

Recommended Approval on July 20, 2017

SECTION 1: OVERVIEW

Subsections:

- 1-1 Introduction and Purpose
- 1-2 Applicability
- 1-3 Organization of the Marshall Code

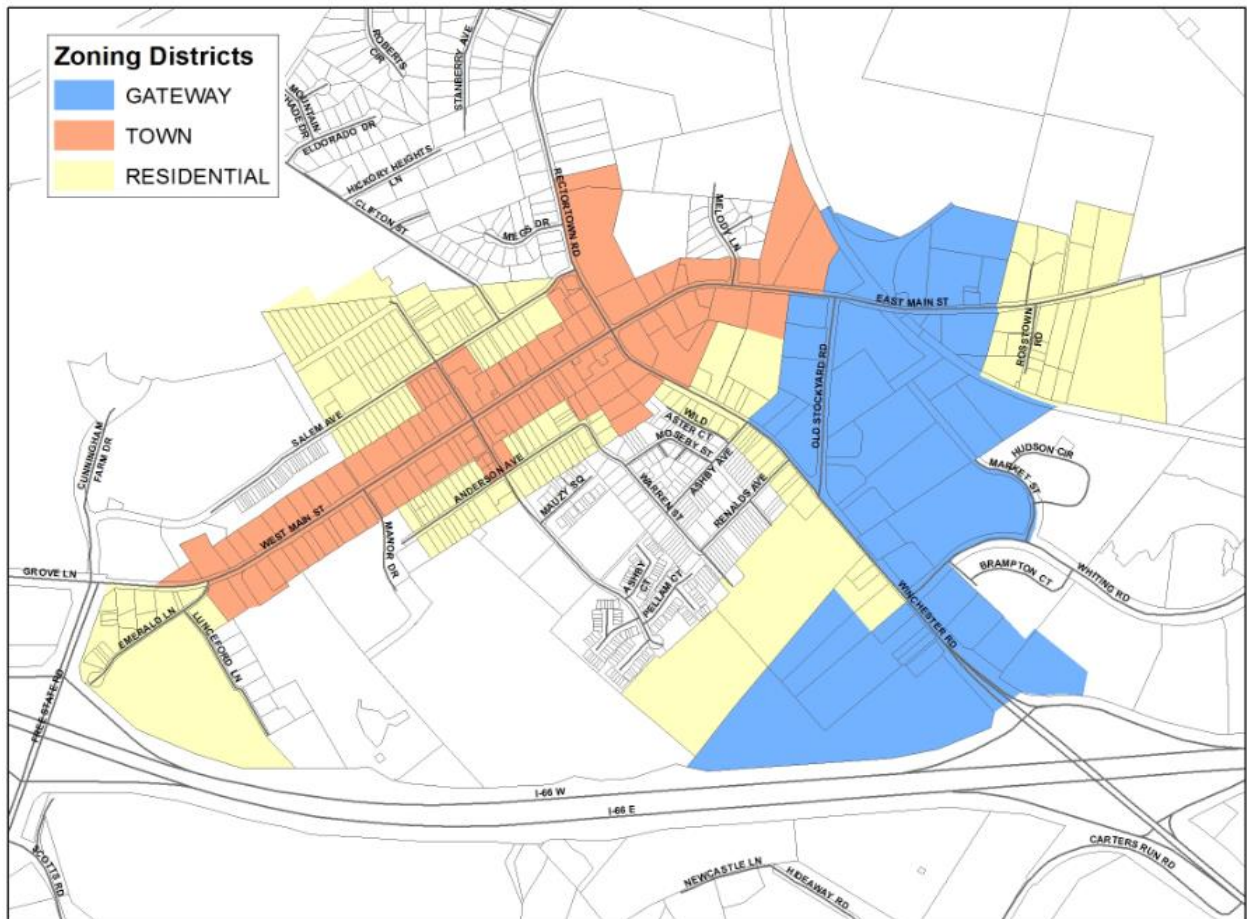
1-1 INTRODUCTION & PURPOSE

The *Marshall Service District Plan* adopted in 2011 recognized that conventional zoning has been ineffective at regulating and encouraging the diverse, urban mixed-use environment desired in Marshall. That Plan specifically called for development of a Form Based Code to implement the vision for Marshall along the Main Street corridor and also called for new zoning approaches to other key areas, including the Salem Avenue and Southern Gateway areas. The Plan also called for the implementation of a Historic District.

The Marshall Code replaces existing zoning regulations for most of downtown Marshall. This Code represents a paradigm shift in the way the built environment will be regulated in the heart of Marshall. Unlike conventional codes, which typically focus on uses, this code uses the intended form and character of Marshall as the organizing principle or framework for the code and provides significant flexibility in use. The areas shown on Map 1 are covered by the districts established by the Marshall Code. The remainder of the areas within Marshall remain covered by the existing Zoning Ordinance districts.

1-1 Map 1 The Marshall Regulating Plan

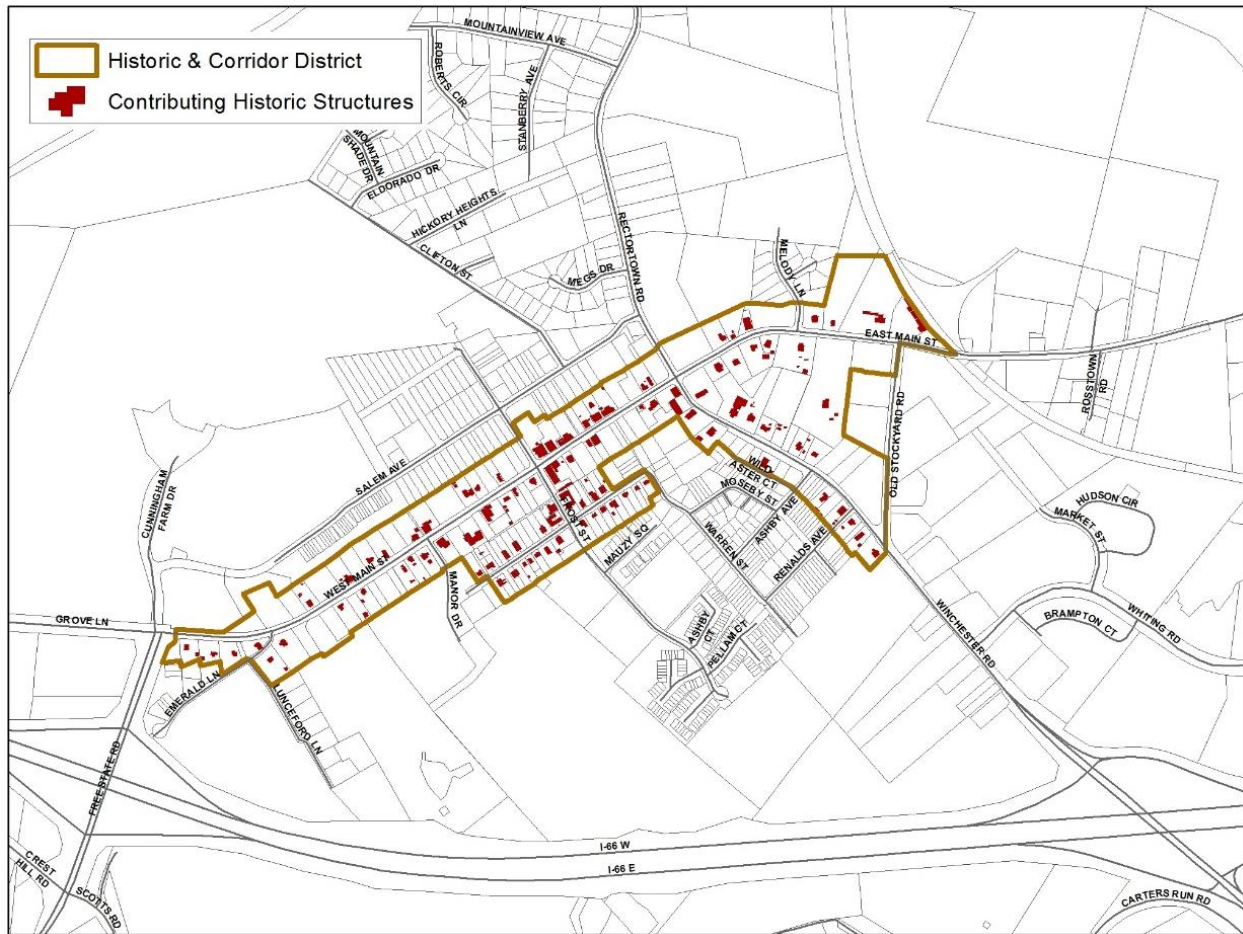
Note: This Map is not the Official Zoning Map. The Official Zoning Map is stored on the Fauquier County GIS System.



The Code also provides for a local Historic District in Marshall. Lots with buildings designated as a Contributing Structures are included, as well as infill lots on Main Street and Winchester Road.

1-1 Map 2 The Historic District

Note: This Map is not the Official Historic District Map. The Official Zoning Map is stored on the Fauquier County GIS System.



1-2 APPLICABILITY

In addition to all applicable Federal, State and County laws and regulations governing land use and development in Fauquier County, this Marshall Code applies to all land identified on Maps 1 and 2.

The Marshall Code is part of the Fauquier County Zoning Ordinance. It establishes requirements within the three neighborhoods in Marshall covered by the Code: Town, Gateway and Residential. Certain requirements from other Chapters of the Fauquier County Zoning Ordinance continue to apply within the Marshall Code area, and the Marshall Code cross-references these additional requirements. In any case where the Marshall Code conflicts with any provision of the remainder of the Fauquier County Zoning Ordinance, the requirements of the Marshall Code shall prevail.

1-3 ORGANIZATION OF THE MARSHALL CODE

The following text provides a brief overview of the organization of the Marshall Code.

Section 1 – Overview. Introduces the basis for the Code, provides an overview of the parts of the Code and summarizes how to utilize the Code.

Section 2 – Specific Neighborhood Requirements. Establishes neighborhood specific standards for lot requirements, building placement, building form, streets and access, parking and fencing. Requirements are designed to promote a walkable, mixed use community.

Section 3 – Historic District Requirements. Establishes additional requirements for building design within the historic area. The intent is to preserve and protect the existing character of Marshall.

Section 4 – Definitions. Defines terms used throughout the Marshall Code.

SECTION 2: NEIGHBORHOOD DISTRICT REQUIREMENTS

Subsections:	2-1	Purpose
	2-2	Applicability
	2-3	Neighborhood District Overview
	2-4	Lot Requirements
	2-5	Building Form Requirements
	2-6	Parking Requirements
	2-7	Uses
	2-8	Non-Conforming Uses and Structures
	2-9	Street Layout Requirements
	2-10	Streetscape Requirements
	2-11	Screening & Landscaping Requirements
	2-12	Open Space Requirements
	2-13	Miscellaneous Requirements

2-1 PURPOSE

This Section provides regulatory standards governing lot and building form as well as uses. The Code is a reflection of the community vision for implementing the intent of the Comprehensive Plan to create a walkable, connected town that respects and strengthens the existing character of Marshall.

2-2 APPLICABILITY

The standards of this Section shall apply to all proposed development within the neighborhood zones, and shall be considered in combination with the Historic District provisions in Section 3. If there is a conflict between standards, the stricter standard shall apply.

2-3 NEIGHBORHOOD DISTRICT OVERVIEW

The standards in this section regulate lot layout, building form, street design and access, parking, landscaping and screening, and uses for each of the three neighborhood zones established within this Code. The regulating plan shows the boundaries of each Marshall district, and the Summary below provides an overview of each district. *[Note: This table provides an overview of requirements; refer to the specific text in the Code for actual requirements.]*

Town



Intent

To provide for a concentration of business activity, with interspersed residential uses, reinforcing the development of a "downtown" Marshall, with pedestrian-filled sidewalks, outdoor cafes, and the like, all lining the street.

General Use

Mix of residential and commercial uses, with storefronts and other business uses dominating the street frontage.

Desired Form

Primarily Detached, with some Attached Buildings

Small to Medium Lot Width

Small Building Footprint

Small to No Front and Side Setbacks

Up to 2-3 stories; tallest buildings between Winchester Rd. and Manor St.

Gateway



Intent

To provide for mixed use development in a form that creates a more "in-town" feel in a predominately auto oriented area, creating a secondary area of business activity off Main Street, with strong pedestrian connections to Main Street.

General Use

Larger scale commercial uses with limited multifamily uses

Desired Form

Detached & Attached

Medium to Large Lot Width

Small to Large Building Footprint

Small to Moderate Front Setbacks

Moderate Side Setbacks

Up to 3 ½ Stories

Town Residential



Intent

To protect and extend the fabric of the existing small to medium-lot single family homes and enhance and extend walkability.

General Use

Primarily residential with limited neighborhood supporting services

Desired Form

Detached

Small Lot Width

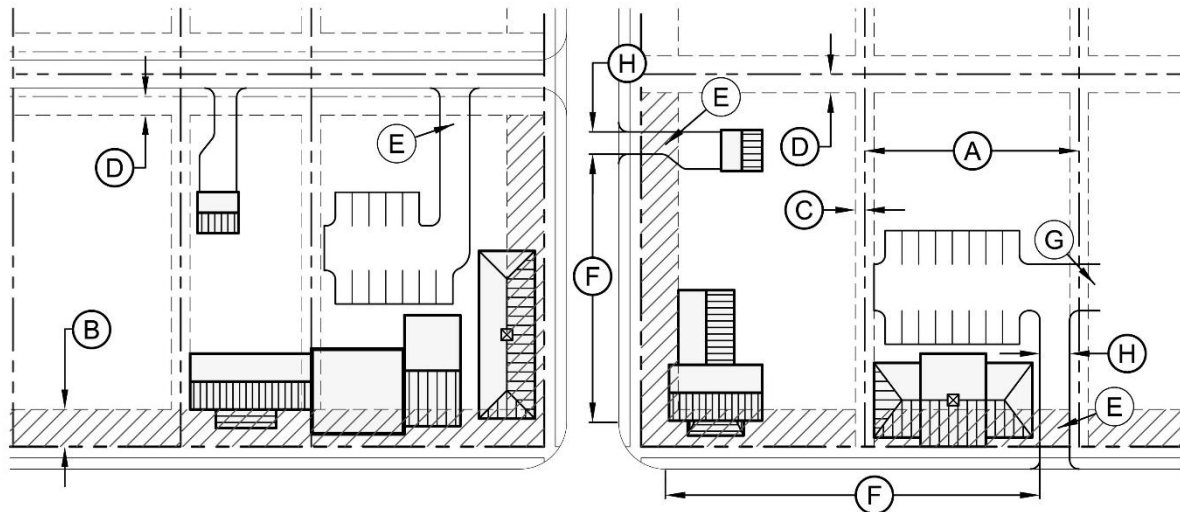
Small Building Footprint

Small Front Setbacks

Small to Moderate Side Setbacks

Up to 3 Stories

2-4 LOT REQUIREMENTS



	Marshall – Town	Marshall - Gateway	Marshall – Residential
2-4.1 Lot Size and Shape			
Lot Area – Minimum	5,000 sf except 9,000 sf single-family residential See Section 2-7.3(A) for cluster	10,000 sf	9,000 sf See Section 2-7.3(A) for cluster
Lot Width - Minimum (A)	40'	50'	45'
Lot Width – Location	On public street, alley or on private street 1) if approved by waiver pursuant to Section 2-8 or 2) where allowed in cluster subdivisions per Section 2-7.3(A)		On public street except where alternative allowed in cluster subdivisions per Section 2-7.3(A)
Lot Shape	Generally rectangular	--	Generally rectangular

A legal lot of record that does not meet the Lot Area, Lot Width and Lot Shape requirements may be developed, and may be divided or expanded provided the changes do not increase non-compliance with these standards.

2-4.2 Lot Set-Back and Build-to-Lines			
Front Setback/ Build-To Line (B)	20' maximum except 10' maximum between Manor and Winchester Additional 10' allowed for plazas and sidewalk café spaces along 50% of the building frontage on the lot Lots with contributing historic structures may maintain the existing front yard setback	10' minimum 40' maximum	10' to 25'
Side Setback (C)	0' minimum 15' maximum except on lots between Manor and Winchester 5' maximum; may be increased to 20' for a driveway	0' minimum 20' maximum Additional setback allowed for parking bays authorized pursuant to Section 2-6.2	10' minimum 5' minimum cluster
Rear Setback (D)	10' minimum; drive aisles for parking lots and for inter-parcel connectors may be located within the rear setback area.		

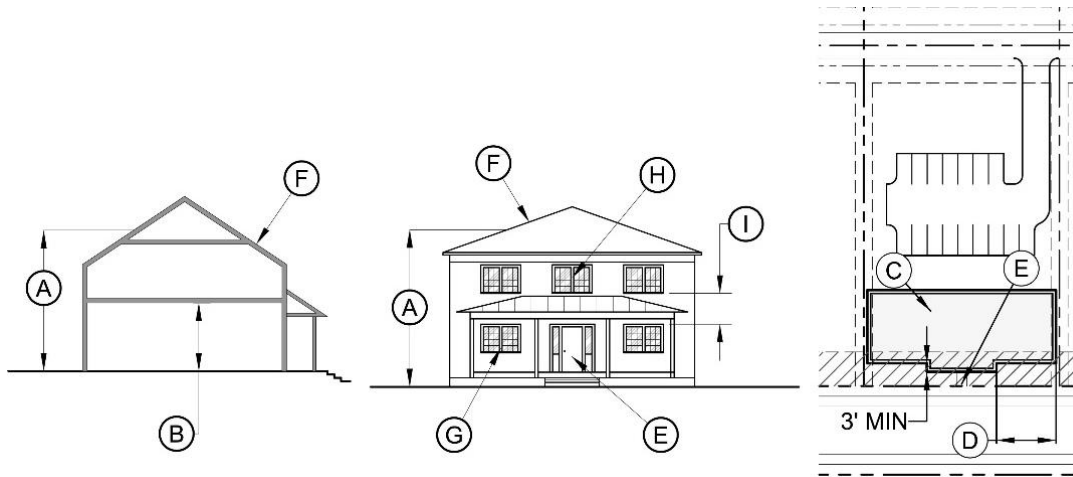
New structures not meeting the front build-to requirement are allowed when placed rear of an existing structure provided the existing structure occupies at least 50% of the lot frontage.

Existing structures not meeting setback requirements are provided additional flexibility in setbacks, per Section 2-8.

2-4.3 Lot Access			
Location (E)	Access shall be taken from an alley or side street rather than the main street where an alley or side street exists adjoining the property		
Limited Curb-Cuts	A maximum of one point of ingress/egress is allowed onto the main street where alley access and/or side street access is not available		
Distance from Intersection (F)	No access point shall be located closer than 100' from the curb line of any street intersection, or more if required by VDOT.		Minimum allowed by VDOT
Distance from Property Line (G)	Any driveway access located within 10' of a side property line shall be designed to allow access to adjoining lots where such shared access is not precluded by the existing layout of development on adjoining lots.		--
Width of Curb-Cut (H)	Driveways and aprons shall have a maximum width of 12' for single-family dwellings and 16' for other uses. Where existing uses have larger or undefined curb-cuts, their size shall be reduced as development occurs.		

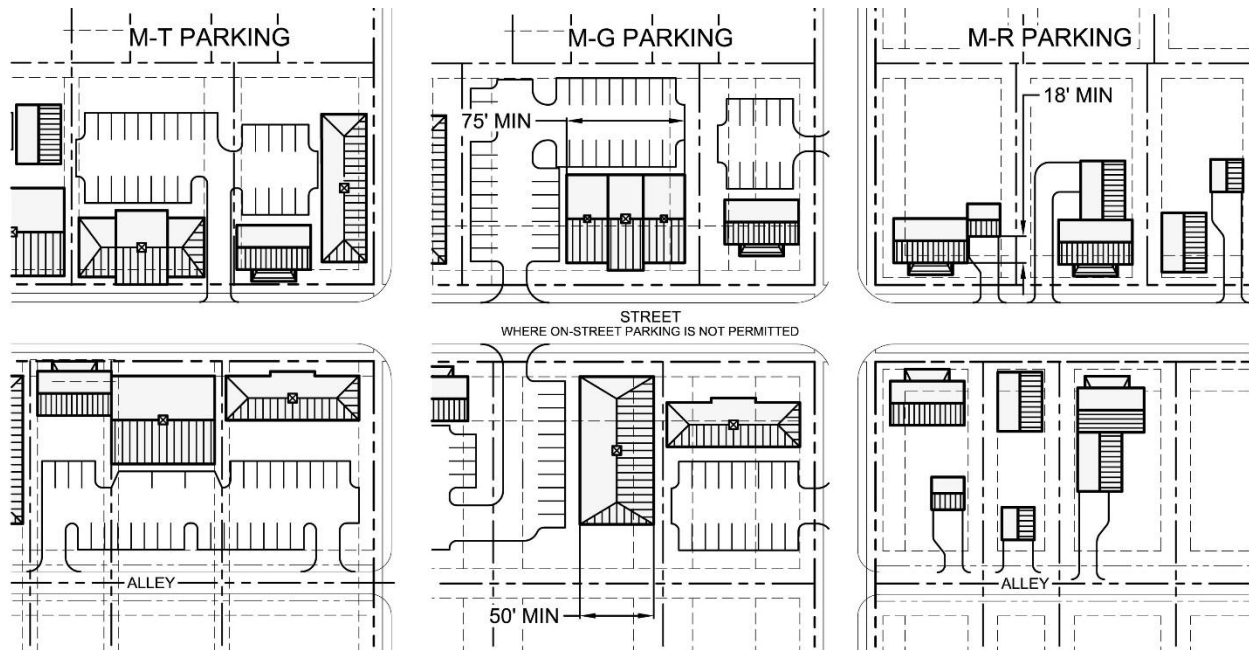
The Zoning Administrator may approve a modification to Lot Access requirements in conjunction with Site Plan approval where the modification is required by VDOT, where the modification results in improved traffic flow on the site or in the overall area, or where the requirements cannot be met because of lot size or shape.

2.5 BUILDING FORM REQUIREMENTS



	Marshall – Town	Marshall - Gateway	Marshall – Residential
2-5.1 Building Height			
Height – Feet	(A) 35' maximum, except 42' between Manor and Winchester with a minimum of 2 functional stories	45' maximum except 35' fronting Winchester Road & Main Street	35' max
	Height limits do not apply to chimneys, spires, cupolas, elevator penthouses, flagpoles, flues, antennas, air conditioning units and other similar roof structures/mechanical appurtenances provided the features do not exceed 25% of the roof area and non-architectural elements are screened.		
	The BOS may increase height upon a finding that the proposed height, in combination with the building massing and design, comply with the vision of the Marshall Service District Plan.		
Ground Floor Ceiling	(B) 12' minimum for at least the front half of the first floor of all commercial or mixed-use buildings fronting a public street		--
2-5.2 Building Massing			
Footprint – Per Building	(C) 5,000 sf max	15,000 sf max except 5,000 sf max fronting Winchester Road & Main Street	5,000 sf max
	The BOS may increase footprint size upon a finding that the proposed footprint, in combination with the building massing and location, comply with the vision of the Marshall Service District Plan.		
Massing – Minimum 3' Break in Plane of Front Façade or of Roof Line	(D) Every 50'	Every 75' except every 50' fronting Winchester Road or Main St.	--
Entrance	(E) Each building shall have a primary pedestrian entrance on the main street for each first-floor use fronting the main street or public open space. No garage doors or similar doors/openings shall front the main street.		
Roof Form	(F) Gable, Gambrel, Hip, or Flat with parapet.		Gable, Gambrel or Shed
Window and Door Openings – 1 st Floor frontage	(G) 40% min	30% min	--
Window and Door Openings – Upper Floors frontage	(H) 20% min	20% min	--
Window and Door Openings – General	(I) Lengths of walls without windows for greater than 20 linear feet fronting streets are prohibited		--
	Wall openings may not vertically span more than one story, with 3' minimum separation provided between stories		--
	No individual opening shall exceed 50% of the openings on a floor, except on the first floor or on a half story with dormers		--
	Contributing historic structures are exempt from these requirements and, shall, instead, maintain the amount of openings consistent with the original building.		--
	Extra flexibility in Section 2-5.2 requirements is provided for existing buildings per Section 2-8.		
2-5.3 Fencing			
Fencing – Front Yard	4' height max; must be open		
Fencing – Side/Rear Yard	7' height max		
	Extra flexibility for existing fencing is set forth in Section 2-8.		

2-6 PARKING REQUIREMENTS



2-6.1 Amount of Parking Required

Required Number of Parking Spaces	Residential Single-Family Dwelling: 2 spaces per unit Residential Multi-Family Dwelling: Studio or 1 bedroom unit: 1 space per unit Residential Multi-Family Dwelling: 2+ Bedroom Unit: 2 spaces per unit Accessory Dwelling Unit: 1 space Eating Place, Theater or Meeting Facilities: 1 space per 3 seats but no less than 3 spaces per 1,000 nsf All Other Uses: 2.5 spaces per 1,000 nsf of building, except 3.0 spaces per 1,000 in Gateway
Parking Reduction as Incentive to Retain Contributing Historic Structures	In conjunction with any approval to re-use a Contributing Structure within the Historic District the commercial parking requirement is reduced by 2/3 for commercial uses utilizing a Contributing Structure. The parking requirement for additional commercial buildings placed on the parcel with a contributing structure is reduced by 1/3.
Loading Spaces	None Required
Shared Parking and Off-Site Parking	Parking is encouraged to be shared with other properties and uses. Shared parking may be counted toward meeting the parking requirement if an analysis is provided showing, to the satisfaction of the Zoning Administrator, that parking demand for the multiple uses reasonably allows for the shared parking. For any off-site parking, evidence of an agreement to utilize the parking must be provided. If the off-site parking is proposed to meet requirements for a newly constructed building, the agreement shall demonstrate that parking is available to the use for a minimum period of 25 years.

2-6.2 Parking Location and Design

Parking Location	Parking must be provided on-site or off-site within 500 feet of the lot. On-street parking cannot be counted.		
Parking Location On-Lot	Marshall – Town Parking shall be located behind buildings that adjoin the street. On corner lots, a parking structure may adjoin the side street only if lined by buildings a minimum 20' in depth. A parking lot may adjoin the side street on corner lots provided it meets the setback and screening requirements set forth in Section 2-11.2.	Marshall – Gateway The Marshall – Town rules shall apply except that on lots where on-street parking is not allowed by VDOT a single row of parking may be placed beside the building for buildings at least 50' in width and a double row of parking may be provided for buildings at least 75 feet in width. The parking shall be set back behind the front façade of the building and screening consistent with Section 2-11.2 shall be provided.	Marshall – Residential Parking areas, carports and garages shall be located behind or beside buildings adjoining the street. When located to the side, the front edge of the parking area or structures shall be setback a minimum of 18 feet from the front façade of the building.
Parking Lot & Parking Space Design	All off-street parking facilities shall be designed to conform to the geometric and construction standards set forth in Section 304 of the Fauquier County Design Standards Manual. Modifications may be granted by the Zoning Administrator to facilitate development consistent with the Marshall Service District Plan.		

2-7 USES**2-7.1 Allowed Uses by Neighborhood District**

Use Category	Marshall – Town		Marshall – Gateway	Marshall – Residential	Standards (Section)
	1 st Story Street Frontage on Main Between Manor & Winchester	Other Locations			
Residential					
Dwelling, Single-Family Detached	PH	P		P	Cluster 2-7.3
Dwelling, Single-Family Attached	--	--	SE	P cluster only	Cluster 2-7.3
Multi-Family, in Building w/Commercial Frontage	--	P	P	--	
Multi-Family, in Building w/o Commercial Frontage	PH/SE	PH/SE	SE	--	
Accessory Dwelling Unit (w/Single-Family Detached Only)	--	P		P	2-7.3(B)
Government, Institutional, Public Assembly					
Medical Care, Residential Care and Assisted Living Facilities	SE	SE	SE	SE	
Day Care/Pre-School	P	P	P	SP	
Family Day Homes	--	A/SP	--	A/SP	2-7.3(C)
Government Facilities, County	P	P	P	P	
Meeting Facilities, including Places of Worship	P	P	P	SP	
Museum	P	P	P	--	
Post Office	P	P	P	--	
Public Parking	SE	SE	SE	SE	2-7.3(D)
Public or Private Schools	SE	SE	P	SE	
Business					
Agricultural Supplier	--	P	P	--	
Artisan Workshop or Studio w/Sales	P	P	P	--	
Artisan Workshop or Studio w/o Sales	PH	P	P	--	
Auction, Indoor	SE	SE	P	--	
Auto Repair Shop	P	P	P	--	2-7.3(E)
Auto Sales & Service	--	--	SE	--	2-7.3(F)
Bed & Breakfast, Inn, Hotel & other Short-Term Rentals	P	P	P	SP	2-7.3(G)
Bank	P	P	P	--	
Business Services	P	P	P	--	
Cottage Industries	--	P	P	--	
Drive-Through	SE	SE	SE	--	
Eating Place	P	P	P	--	
Farm Equipment Sales	P	P	P	--	
Funeral Home	P/SP	P/SP	P/SP	--	
Gas Station	P	P	P	--	2-7.3(H)
Indoor Recreation, including Gym and Sports/Activity Center	P	P	P	--	
Indoor Technical Schools	P	P	P	--	
Medical Services	P	P	P	--	
Office – Business/Professional/Contractor	P	P	P	SP Max 6 employees	
Personal Services	P	P	P	--	
Retail Sales	P	P	P	--	
Storage Area	--	P	P	--	2-7.3(I)
Theater	P	P	P	--	
Veterinary Clinic & Pet Grooming	P	P	P	--	
Transportation, Communication, Utilities					
Telecommunication Facilities	--	P/A/SE	P/A/SE	P/A/SE	Article 11
Utilities, Entirely Below Ground	--	P	P	P	
Utilities, Any Portion Above Ground	--	SE	SE	SE	
Temporary Uses					
Construction & Rental/Sales Offices/Trailers	A	A	A	A	
Temporary Events	A	A	A	SP	2-7.3(J)
Existing Uses					
Any use legally existing as of the date of adoption of this Marshall Code shall also be considered a Permitted (P) use. See Section 2-8.					
KEY					
P	Permitted Use	SP	Special Permit Required		
PH	Permitted Use only in Contributing Structure	SE	Special Exception Required		
A	Administrative Permit Required	If Blank, Use Not Allowed (Uses not listed also not allowed)			

2-7.2 General Use Limitations

- A. A Zoning Permit is required to establish a new use, including changing from one use to another; see Article 13 Part 5 for Zoning Permit Requirements.
- B. Where an Administrative Permit, Special Permit or Special Exception is required, Article 5 of the Zoning Ordinance sets forth the application, review and approval procedures. All provisions of Article 5 shall apply, except the specific standards set forth in Article 5 for a particular use shall not apply unless specifically referenced in the Standards for Specific Uses, below. Applications shall be evaluated based on the General Standards in 5-006 and any Standards for Specific Uses set forth in Section 2-4.3.
- C. A Site Plan is required for any development involving land disturbance, except for Single-Family Detached units. Article 12 of the Zoning Ordinance sets forth the rules for the different types of site plan approvals: site plan waivers, minor site plans and amendments, major site plans and amendments. All provisions of Article 12 shall apply except where a requirement conflicts with a specific requirement of the Marshall Code.
- D. Division of land shall occur in compliance with Chapter 13 of the County Code and the Subdivision Ordinance. To the extent any references to Chapter 13 refer to provisions of the Zoning Ordinance, the specific provisions of the Marshall Code shall apply instead. In order to promote high-quality, pedestrian-oriented residential infill, special cluster subdivision provisions are available in the Marshall – Residential District subject to the standards set forth in Section 2-7.3.
- E. Accessory Uses and Structures are allowed and shall comply with Article 6 of the Zoning Ordinance, except as may be specifically authorized otherwise in this Marshall Code.
- F. Except on lots with Single-Family Detached Dwellings, multiple primary uses and multiple buildings may be located on a single lot. On lots with Single-Family Dwellings, only Accessory Dwelling Units and other accessory residential uses and structures are allowed.

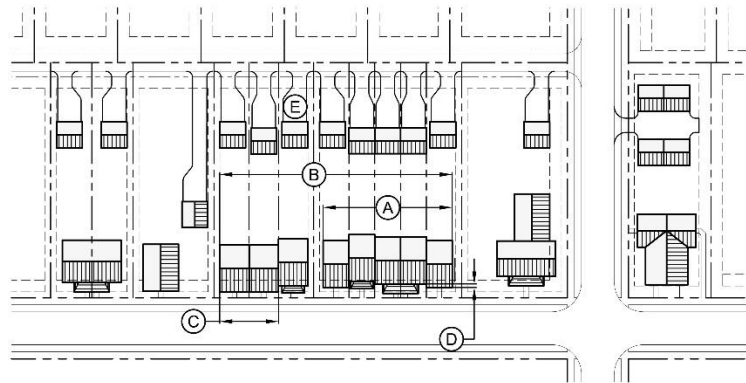
2-7.3 Standards for Specific Uses

A. Residential Single-Family Cluster Subdivisions

Within the Marshall-Residential Town District, the Cluster Option is authorized for development of at least one acre to promote pedestrian-oriented residential development that incorporates a range of housing types and sizes. The following standards shall apply:

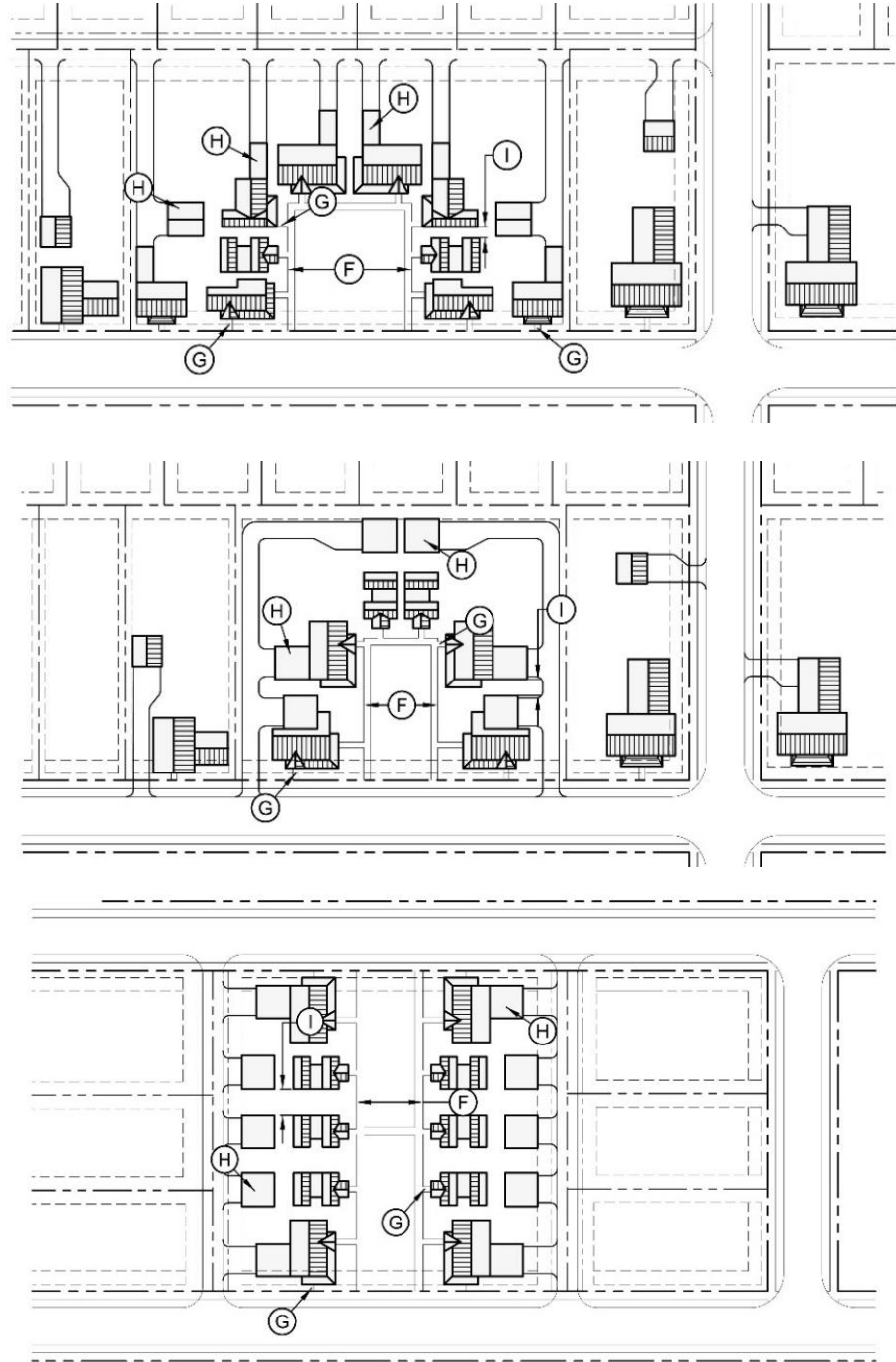
1. Lot sizes may be reduced provided the overall density of the proposed development does not exceed 5 units per acre.
2. Cluster open space is required pursuant to Section 2-12.1 of this Code.
3. In addition to Single-Family Detached Units meeting all of the requirements of Section 2-6, a Cluster Subdivision may incorporate both Attached Units and Courtyard Units, subject to the standards set forth below for these two unit types.

Attached Units



- Maximum number of attached units in a single townhouse building: 5 (A)
- Maximum of 2 groups of adjoining attached units, with a maximum of 8 units. (B)
- No more than 2 adjoining units with the same front plane. (C)
- Minimum 2' change in plane. (D)
- All garages loaded from the rear of units via alley; may be attached or detached garages (E)
- No more than 35% of the units in a subdivision can be Attached Units

Courtyard Units



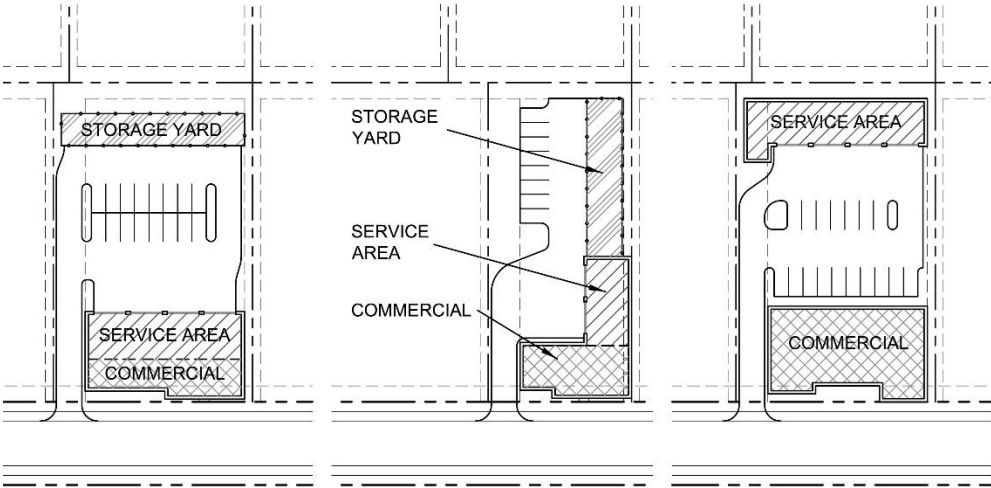
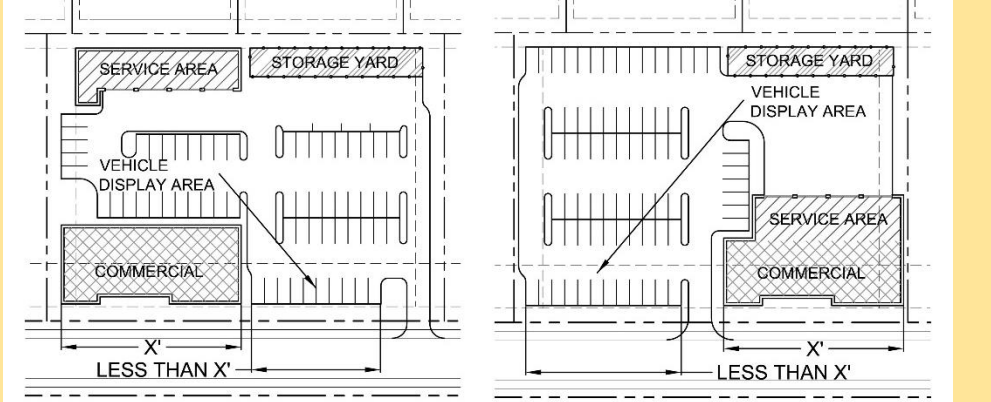
Maximum of 10 units in a single Courtyard

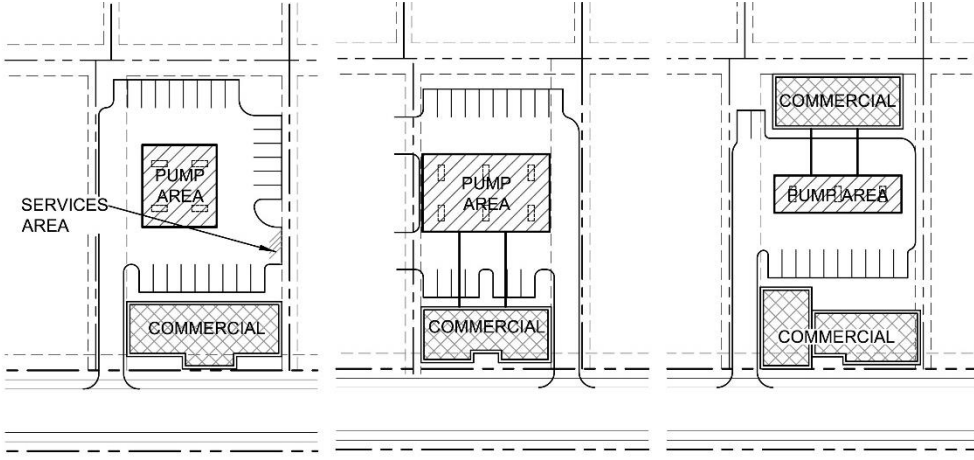
Must be arranged around a central common open space courtyard area no less than 30 feet in width (F)

All entrances to the units shall face the Courtyard or the street and shall be connected by a walkway leading to the street (G)

All garages and parking areas located to the rear of units and accessed by an alley or shared driveway. (H)

Minimum 5 foot separation between buildings (I)

	Courtyard Units (Continued) Units may be on fee simple lots or on a single lot; interior lots require no public street frontage. Not allowed on corner lots. Maximum building footprint is 1,000 sf Maximum height is 28 feet
B. Accessory Dwelling Unit	The standards of Section 5-104 – Standards for an Administrative Permit for an Accessory Dwelling Unit shall apply to the Zoning Permit.
C. Family Day Homes	The standards of Section 5-207 – Additional Standards for Family Day Homes shall apply.
D. Public Parking	1. Notwithstanding any other requirement of this Ordinance, a vacant lot or portion of a lot may be utilized to provide public parking provided screening of the lot is provided consistent with 2-10.2 along any street the parking lot abuts and, 2. If the lot abuts Main Street, a minimum 10' setback of the lot shall be provided. The 10' setback area shall be landscaped with a variety of shrubs, shade and ornamental trees. If the frontage along Main Street exceeds 50', a public seating area shall also be provided.
E. Auto Repair Shop	 Only active commercial use, which may include the shop's interior display space and/or waiting areas shall be located along the street frontage. Service Bays shall not be located along the street frontage; bays shall be located at the rear of the building and/or lot and screened so that they are not visible from the adjoining street. All vehicles shall be stored and all work shall be accomplished within an enclosed structure or within a completely screened area. In no case shall vehicles be stored in the front-setback/build-to area on the lot.
F. Auto Sales & Service	

	Only active commercial use, which may include the dealer's interior display space and/or waiting areas shall be located along the street frontage. Service Bays shall not be located along the street frontage; bays shall be located at the rear of the building and/or lot and screened so that they are not visible from the adjoining street. All vehicles except display vehicles shall be stored and all work shall be accomplished within an enclosed structure or within a completely screened area. In no case shall vehicles be stored in the front-setback/build-to area on the lot. Notwithstanding setback/build-to requirements or parking location requirements, the Board of Supervisors may authorize parking areas for vehicle display along street frontages provided such areas occupy less street frontage than do buildings and further provided such areas are setback at least to the front building line.
G. B&B, Inns, Hotels and Other Short-Term Rentals	1. Within the Marshall-Residential District, accommodations for a maximum of 8 people are authorized. 2. Within the Marshall-Town District, a maximum of 30 guest rooms is authorized. 3. Notwithstanding the requirements of Section 2-4.2 and 2-4.3, a larger side setback and drive aisle may be provided in order to create a covered drop-off area for guests.
H. Gas Station	 The use shall only be permitted in combination with an associated retail and/or eating establishment. The retail use and/or eating establishment shall occupy the building frontage along the street. Pumps and ancillary use areas, which may include car washes, vacuum, air and water services, shall be located behind the building and shall be screened from the street by buildings, with supplemental landscaping as necessary. All Pump canopies shall have lower roof height and footprint than the main building.
I. Storage Area	Storage shall only be located within buildings if another use fronts the street or where the building does not front a street, or, when outside, behind buildings; vacant properties may not be utilized as Storage Areas Outdoor Storage Areas shall be completely screened from view from streets, public open spaces and adjoining residential properties pursuant to the screening standard set forth in Section 2-10.1
J. Temporary Events	The applicant shall provide documentation to show that adequate sanitary facilities, parking, traffic control, safety & security arrangements are in place, to the satisfaction of the Zoning Administrator in consultation with the Health Department, VDOT, Sheriff and Emergency Services. All activities must comply with all County ordinances, including light and noise.

2-8 NON-CONFORMING USES & STRUCTURES

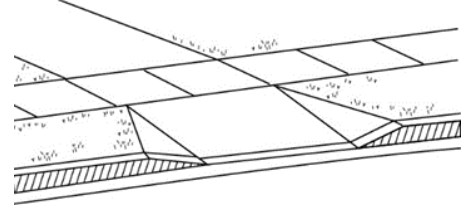
- A. Existing Zoning Ordinance regulations and State Code provisions allow existing uses and structures that do not meet new zoning requirements to continue indefinitely, but limit the ability for such uses and structures to expand. It is the intent of these new zoning provisions to allow uses and structures that legally existed as of the date of this Marshall Code (___/___/2017) that may not comply with the requirements of the Marshall Code to continue, and to provide zoning flexibility so that such uses may grow and evolve over time. To that end, the following provisions shall apply to all legally established uses and structures existing as of ___/___/2017, notwithstanding requirements set forth elsewhere in this Marshall Code:
1. Setbacks for an addition shall either match the setbacks for the existing building or shall be more consistent with the setback and build-to-line requirements of Section 2-4 than is the existing building;
 2. Ground-floor ceiling height for any building addition as required by Section 2-5.1 shall be no less than the ground-floor-ceiling height of the existing building;
 3. Notwithstanding the footprint limitations of Section 2- 5.2, building footprint may be increased up to 25% without a Board of Supervisors' Waiver;
 4. Roof form and window/door openings for an addition may match the existing building rather than fully comply with the requirements of 2-5.2.
 5. Existing fencing and walls may be maintained, repaired and replaced with like fencing, or with any fencing that complies more with Section 2-5.3 than does the existing fencing.
 6. Any existing use not listed in Section 2-7 shall be considered a Permitted Use, and shall be permitted to expand within the existing occupied lot(s). This expansion may include new structures, provided such new structures comply with the Marshall Code requirements other than Use.
- B. To the extent the non-conforming provisions of Article 10 of the Zoning Ordinance provide additional flexibility to existing uses and/or structures, the Article 10 provisions shall also apply.

2-9 STREET LAYOUT REQUIREMENTS

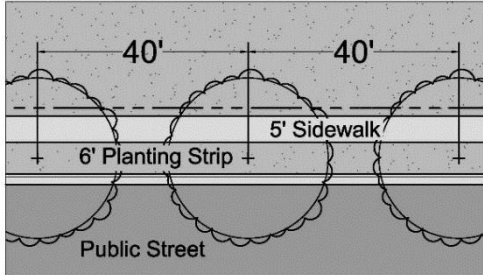
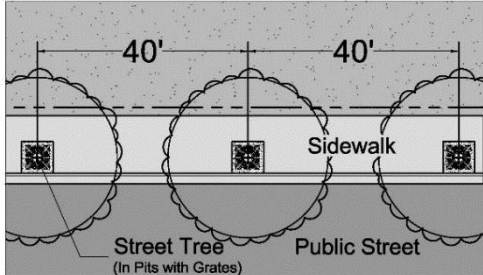
Street Connectivity	The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for those connections. New streets shall be provided and located as generally set forth in the Marshall Service District Plan.
Dead-End Streets	New dead-end streets shall not be created (except as a temporary situation), nor shall existing dead-end streets be extended except to create a through-connection. The Zoning Administrator may approve a waiver to allow a dead-end street to accommodate a site specific environmental or historic feature requiring protection and/or preservation. All dead-end streets, whether permanent or temporary, shall provide turn-arounds.
Block Size	Streets within a subdivision shall form blocks. No individual block-face shall exceed 800 linear feet nor be less than 200 linear feet.
Public Streets Required	All new streets shall be public streets unless the Board of Supervisors approves a waiver allowing the street to be private.
Street Design	All new streets shall be designed consistent with the requirements set forth in the Fauquier County Design Standards Manual.

2-10 STREETSCAPE REQUIREMENTS

2-10.1 Sidewalks

When Required	Sidewalks with planting strips are required to be provided along every street, whether public or private, in conjunction with development of a property, except where sidewalks and planting strips meeting the minimum requirements already exist or are planned and funded for construction through the Marshall Main Street Project. Where new streets are constructed, the sidewalk and planting strip shall be provided along both sides of the street. Where development adjoins existing streets, sidewalks and street trees shall be provided along all of the property's existing street frontages, except where a minimum 5' sidewalk and street trees already exist. Where development occurs on isolated lots which do not adjoin existing sidewalks, a contribution of \$33 per linear foot may be made to the Marshall Streetscape Fund in lieu of providing the streetscape. The \$33 amount is in 2017 dollars and will be adjusted pursuant to the CIP annually.	
Minimum Width	Main Street, Winchester Road, Stockyard Road and Whiting Road All Other Locations	6 ft. min 5 ft. min
Materials	Concrete, stamped concrete, concrete paver or brick. Where connecting to an existing sidewalk, materials shall be matched or an appropriate transition in materials shall be provided.	
Driveway Crossings	Sidewalks shall be designed to cross driveways at the same vertical height and with the same materials as the remainder of the sidewalk.	

2-10.2 Planting Strips & Street Trees

When Required:	Required whenever a new sidewalk is built and along existing sidewalks with no street trees.	
Location:	6' min. wide planting strip shall be provided between the sidewalk and the street. The sidewalk may be extended into the planting strip to create tree wells or the strip shall be maintained with turf or plant material. Street trees shall be provided within every planting strip.	
Tree Spacing:	40' on-center or closer; minor adjustments allowed by technical reasons	
Minimum Caliper:	2 1/2" at time of planting	
Species:	Similar species shall be utilized on each street. Trees shall be chosen from 2-9 Table 1 with Large Trees utilized where physically possible. Where development occurs adjoining streets with existing trees that are on the list, existing tree types shall be matched. Larger new development with new streets shall propose a planting plan as part of the construction plan demonstrating compliance with this requirement.	

2-10 Table 1 The Marshall Street Trees List

<u>Large Street Tree</u> Red Maple, <i>Acer rubrum</i> Thornless Honeylocust, <i>Gleditia triacanthos inermis</i> Scarlet Oak, <i>Quercus coccinea</i> Northern Red Oak, <i>Quercus rubra</i>	<u>Small Street Tree</u> Kousa Dogwood, <i>Cornus kousa</i> Crape Myrtle, <i>Lagerstromia indica</i> Paperbark Maple, <i>Acer griseum</i>
<u>Medium Street Tree</u> Hackberry, <i>Celtis occidentalis</i> Yellowwood, <i>Cladrastis kentuckea</i> Sweetgum, <i>Liquidambar styraciflua</i> 'Rotundiloba' Black Gum, <i>Nyssa sylvatica</i>	<u>Under Utility Line Planting</u> Kousa Dogwood, <i>Cornus kousa</i> Crape Myrtle, <i>Lagerstromia indica</i> Star Magnolia, <i>Magnolia stellate</i> Downey Service Berry, <i>Amelanchier arborea</i> Redbud, <i>Cercis Canadensis</i> Flowering Dogwood, <i>Cornus florida</i> Washington Hawthorn, <i>Crataegus Phaenopyrum</i>

2-10.3 Street Lighting - Pedestrian

When Required	Within new residential subdivisions of 6 or more lots or development of a parcel one acre or larger. For all other situations in which sidewalks are required to be constructed, lights are not required to be provided. However, 4" conduit shall be placed under the sidewalk at the spacing required below in order to facilitate future installation of street lights.
Location	Within the planting strip along every street with a sidewalk.
Spacing	40-50' along Main Street, Winchester Road and Whiting Road. Elsewhere, as necessary to provide continuous lighting along the sidewalk.
Height	12' max except additional height allowed along Main Street, Winchester Road and Stockyard Road to match those fixtures and poles installed as part of the Main Street Improvement Project
Shielding	Lights shall be shielded such that only the sidewalks and any adjoining open space are lit
Design	Fixtures and poles shall have a dark green finish and be generally of traditional design, consistent with the character and quality shown of Dominion Virginia Power's Decorative Acorn style, subject to approval by Dominion Virginia Power and the Virginia Department of Transportation.

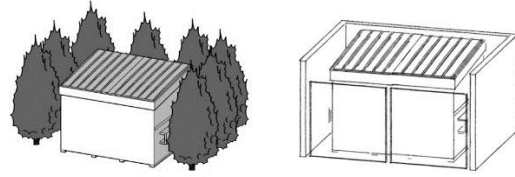
**2-10.4 Waivers to Streetscape Requirements**

- A. The Zoning Administrator may waive the provision of sidewalks on a portion of a street upon a finding that a) unique property constraints create the need for a variation and b) the pedestrian network is not significantly impacted by the loss.
- B. The Zoning Administrator may reduce the sidewalk width requirement to no less than 4 ft. where necessary to provide a transition to an existing, narrower, sidewalk; or where only a narrower sidewalk can physically be accommodated on the site.
- C. The Zoning Administrator may approve alternative species from those listed in 2-9 Table 1, provided such species are appropriate for the region and are similar in size and character.

2-11 SCREENING REQUIREMENTS

2-11.1 Screening of Structures, Equipment, Outdoor Storage

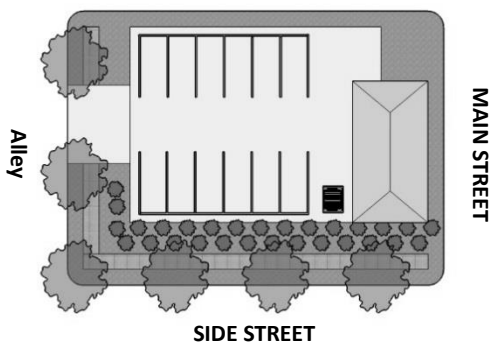
All mechanical equipment, dumpsters, storage tanks, outside storage and similar items shall be located to the rear of the main building and screened from view from public streets and from adjoining single-family residential properties by walls or landscaping. Appropriate shrubs are listed in 2-10 Table 1 below.



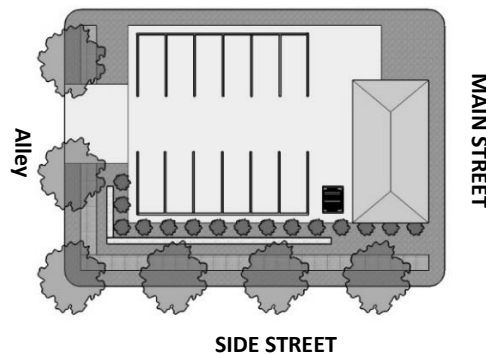
2-11.2 Screening of Parking Lots

All new development shall provide screening of parking, loading and vehicular storage areas visible from the public rights-of-way. Screening shall consist of a double row of evergreen shrubs, or a single row plus a masonry wall. If the masonry wall option is provided, the setback from the side street for the parking area may be reduced from 10 feet to 6 feet. Appropriate shrubs are listed in 2-10 Table 1 below.

Double Row of Staggered Shrubs



Single Row of Shrubs with Wall



2-10 Table 1 Screening Shrubs List

Burford Holly, <i>Ilex cornuta 'Burfordii'</i>	Boxwood, <i>Buxus SP</i>
Inkberry Holly, <i>Ilex glabra</i>	Green Juniper, <i>Juniperus Sabina</i>
Viburnum Chesapeake, <i>Viburnum x Chesapeake</i>	Cherry Laurel, <i>Prunus laurocerasus</i>
Glossy Abelia, <i>Abelia x grandiflora</i>	Wax Myrtle, <i>Morella Cerifera</i>

2-11.3 Setback and Screening along Interstate 66

Setback	Required setback from the edge of the Route 66 right-of-way: Residential Units: 200 feet All other Buildings: 75 feet
Buffer	A buffer shall be provided along Interstate 66. The buffer shall be designed to complement the existing landscape and shall be designed to appear natural. New plantings of trees shall be species which are native to the region. Pedestrian trails may be incorporated into the Buffer Area. 1. Residential Development – 100 foot wide buffer planted with a minimum of 10 evergreen trees, 6 canopy trees and 8 understory trees per 100 linear feet. 2. All other Development – 75 foot wide buffer planted within a minimum of 5 evergreen trees, 3 canopy trees, 10 understory trees and 30 shrubs (75% must be evergreen) per 100 linear feet.

2-11.4 Additional Landscaping Requirements

Parking Lots	One shade tree per every 12 spaces shall be provided in plant beds, islands or strips; there shall be no more than 12 spaces in a row without a minimum 9' wide landscape island break. Additionally, for large parking lots with four or more parking bays and more than 36 spaces, a continuous planting strip a minimum of 8 feet wide shall be provided between every other interior row.
Property Line Buffer	Where a property line of a commercial parcel adjoins a property line of a single-family residential lot, a six-foot fence or a landscape screen shall be provided along the property line. Property lines adjoining an existing or planned alley do not require a buffer.

2-12 OPEN SPACE REQUIREMENTS

In recognition of the existing and desired fabric of the Marshall Code area, open space requirements are significantly less than those for development in other parts of the County. Where required, the spaces are to be deliberately planned to provide a focal point for the block or larger community.

2-12.1 Residential Development

- A. Residential Pocket Parks. Any residential development containing 10 or more dwelling units, whether on a single lot or with subdivision into individual lots, shall provide a minimum 5 percent of the gross site area in Pocket Parks. For residential development with less than 10 dwelling units, a pocket park shall be provided or a contribution of \$1,000 per dwelling unit shall be made to the Marshall Park fund. The \$1,000 amount is in 2017 dollars and will be adjusted pursuant to the CIP annually.
- B. Pocket Parks requirements:
 - 1. All Pocket Parks shall be comprised of usable open space. Areas utilized for stormwater management facilities or areas that are otherwise inaccessible or unusable cannot be utilized to meet the Pocket Park requirement; however, such areas shall nonetheless be constructed and/or maintained in a manner that contributes visually to creation of an attractive community and that creates opportunities for residents to walk through such areas, where appropriate.
 - 2. Pocket Park(s) shall be located so that all residents of the development are within 500 feet of a Pocket Park.
 - 3. In a new Subdivision, the Pocket Park(s) shall have frontage on the street.
 - 4. Sidewalks shall connect to the Pocket Park, making it easily accessible to all residents.
 - 5. The Pocket Park(s) shall be landscaped with trees and shrubs to provide shade and shall provide seating, whether formal or informal, for residents. Additional amenities are encouraged, but not required.
 - 6. The Pocket Parks shall be a minimum of 2,000 sq. ft. in area and 30 feet in depth and width.



- C. Residential Cluster Open Space. Development within the Residential Neighborhood that utilizes the cluster provisions of this Code to provide smaller lots shall place 30 percent of the gross site area into common open space. A portion of this space shall be utilized to meet the pocket park requirement above.
 - 1. Except for the open space within Pocket Parks, cluster open space shall be consolidated into a single connected open space area with no dimension less than 30 feet. The Zoning Administrator may modify this requirement where necessary to assure that key environmental features are captured within the open space.
 - 2. Up to half of the Cluster open space may be in stormwater facilities, provided the stormwater facilities are integrated into the open space and designed to contribute visually to the enjoyment of the open space.
 - 3. Cluster open space shall include active amenities to serve the residents of the development or subdivision.
 - 4. The natural landscape shall be maintained in Cluster open space and supplemented with trees and shrubs as necessary to create shade.

2-12.2 Mixed Use and Commercial Development

- A. Commercial and Mixed Use Pocket Plazas. Any mixed use or commercial development on a lot one acre or larger shall provide a minimum 5 percent of the gross site area in Pocket Plazas. Pocket Plaza Requirements:
1. Pocket Plazas shall have frontage on the street.
 2. Sidewalks shall connect to and through the Pocket Plaza.
 3. The Pocket Plaza shall include at least 50 percent hardscape (stone, pavers, concrete, etc.) Landscaping shall be designed to provide shade. Seating in an amount proportionate to the size of the plaza shall be provided. Lighting shall be incorporated sufficient to assure safety and usability during the time adjoining businesses operate. Each pocket park shall provide a focal element such as a fountain, piece of art or other element that helps to create a unique character and improve the usability of the space. Seating for adjoining restaurants, cafés and other businesses may be incorporated into a pocket plaza.



2-13 ADDITIONAL REQUIREMENTS

Other provisions of the Fauquier County Zoning Ordinance also apply within the Marshall Code Area. To the extent any requirement in the broader Ordinance conflicts with this Marshall Code, the Marshall Code shall prevail. Applicable requirements and limitations are summarized below, referenced by the section found in the Zoning Ordinance:

<u>Sections 2-100 - 2-300:</u>	Regulations related to the scope and applicability of the Zoning Ordinance and rules of interpretation of the Zoning Ordinance.
<u>Section 2-400 & Article 10:</u>	Regulations governing the development of substandard lots and the expansion and rebuilding of non-conforming uses and structures.
<u>Section 2-502:</u>	Limitations on the occupancy of a dwelling unit.
<u>Section 2-508:</u>	Limitations on inoperable and junk vehicles stored on a property.
<u>Section 2-510:</u>	Regulations on sales from vehicles.
<u>Section 2-512:</u>	Limitations on the keeping of animals.
<u>Section 2-600:</u>	Regulations regarding the procedures and responsibilities related to common open space and other common facilities, such as stormwater facilities and private alleys.
<u>Section 4-400:</u>	Regulations on floodplain. (Note, floodplain is only located within the Marshall Code area on two parcels in the Gateway Neighborhood.)
<u>Article 5:</u>	Administrative Permits, Special Permits and Special Exceptions
<u>Article 6:</u>	Regulations on accessory uses, including home occupations.
<u>Article 8:</u>	Signs
<u>Article 9:</u>	Performance Standards for noise (9-700), vibration (9-800), glare (9-900), and outdoor light (9-1000).
<u>Article 11:</u>	Regulations related to telecommunications facilities.
<u>Article 12:</u>	Site Plans
<u>Article 13:</u>	Administration, Amendments, Violations and Penalties
<u>Article 14:</u>	Boards, Commissions, Committees
<u>Article 15:</u>	Ordinance Structure, Interpretation and Definitions

SECTION 3: MARSHALL HISTORIC DISTRICT

Subsections:	3-1	Purpose & Intent
	3-2	Applicability
	3-3	Incentives
	3-4	Application Processing, Review & Appeal Procedures
	3-5	Validity of a Certificate of Appropriateness
	3-6	Standards for Approval of a Certificate of Appropriateness

3-1 PURPOSE & INTENT

The Marshall Historic District is hereby established.

The purpose of the Marshall Historic District (MHD) is to implement the adopted Marshall Service District Plan's goal of preserving historic buildings and through the creation of a local historic district with incentives for preservation and rehabilitation, and to assure that new buildings in the district are developed in a manner that is compatible with the existing historic structures. More specifically, these provisions seek:

1. To identify and preserve buildings, structures, and areas with special historical, cultural, architectural and archaeological significance that maintain a collective community character and quality and serve as important visible reminders of the heritage of Marshall, Fauquier County, and the Commonwealth of Virginia;
2. To maintain and improve property values by providing incentives for the retention and rehabilitation, of older buildings in a safe and healthy manner, and by encouraging desirable uses, forms, and materials for infill development that will lead to the continuance, revitalization, and evolution of Marshall's historic and cultural resources.
3. To assure that new buildings, additions and related features will be in harmony with the scale and character of the existing historic buildings, structures, and areas.

3-2 APPLICABILITY

The MHD is an overlay district and applies in addition to other provisions of the Zoning Ordinance to all properties located within the boundary of the MHD.

Within the MHD, a Certificate of Appropriateness (COA) must be approved by the Zoning Administrator prior to undertaking any of the regulated activities listed below. The COAs shall be issued pursuant to the standards set forth in this Ordinance. Regulated activities include:

1. Construction of a new building or structure, except for accessory buildings 256 square feet or less in size and structures that are not visible from the adjoining public street or adjoining public open space.
2. Additions to an existing building if the addition is visible from the adjoining public street or adjoining public open space.
3. Exterior alterations to contributing structures except for alterations that are not visible from the adjoining public street or adjoining public open space and any alteration listed below:
 - A. The replacement of windows or doors where the size of the window and door openings is not changing;
 - B. Painting;
 - C. Repairs utilizing visually similar materials to those being repaired;
 - D. Replacements of siding and trim utilizing visually similar materials to those being replaced;
 - E. Reroofing;
 - F. Replacement or installation of HVAC units, antennas, personal satellite dishes, meters, cable/utility boxes or exterior lighting fixtures;
 - G. Replacement or installation of fences, patio pavers and walkways;
 - H. Signage;
 - I. Any alterations or additions to existing buildings, which are approved, through adequate documentation from the Virginia Department of Historic Resources (DHR), for receiving historic tax credits under the Federal or State rehabilitation tax credit program.
4. Demolition or relocation of any Contributing Structure, unless such demolition or relocation is not visible from an adjoining public street or adjoining public open space.

3-3 INCENTIVES

3-3.1 Automatic Incentives

Automatic Incentives Available to any parcel where development includes retention and reuse of a Contributing Structure.

1. Notwithstanding the parking requirements set forth in Section 2-6.1, the parking requirement for a retained and reused Contributing Structure shall be 1 space per dwelling unit and/or 33% of the commercial requirements.
2. Notwithstanding the parking requirements set forth in Section 2-6.1, the parking requirement for any new structures on a lot with a Contributing Structure or additions to the Contributing Structure shall be 66% of the parking requirement set forth in Section 2-6.1 for the use.
3. Certain uses in the use tables for each Neighborhood District are allowed by-right only in retained historic structures as an incentive. Such uses are shown as "PH" on the use charts for each neighborhood.

3-3.2 Zoning Administrator Approved Incentives

The Zoning Administrator shall have the authority to modify *Lot Width*, *Lot Shape*, *Setback*, *Lot Access* and *Parking Location on Lot* requirements pursuant to the procedures set forth in Section 15.2-2286 (4) of the *Code of Virginia*, in conjunction with approval of a COA for the proposed development.

3-4 APPLICATION PROCESSING, APPROVAL & APPEAL PROCEDURES

3-4.1 COA Application Procedures

1. Applications shall be submitted by a property owner, contract purchaser, or lessee of the property, or by the authorized agent of any such person.
2. The applicant shall submit a complete application to the Department of Community Development that includes the following information:
 - A. A written description of proposed exterior changes;
 - B. A general sketch plan of the property including: the location of existing structures; property and setback lines; and any proposed new construction, additions or deletions, parking areas, and fences;
 - C. The total gross floor area of the existing building and of any proposed additions;
 - D. Elevation drawings depicting existing conditions and proposed exterior changes;
 - E. Photographs of the subject property in context of the buildings on contiguous properties;
 - F. In the case of a demolition request where structural integrity is at issue, the applicant shall provide a structural evaluation and cost estimates for rehabilitation, prepared by a professional engineer. The Zoning Administrator may waive the requirement for a structural evaluation and cost estimates in the case of an emergency, or if the building is the primary residence of the applicant.

3-4.2 Approval or Denial of Applications by the Zoning Administrator

1. The applicant shall post notice of the application on the land and building on placards provided by the Department of Community Development within one week of an application submission. Said notice shall be posted at reasonable intervals along every street abutting the property. The placards shall identify the type of application (new building, addition, alteration or demolition), how to find additional information about the application, and how to comment on the application. The posters shall remain on the property for no less than two weeks. The applicant shall complete an affidavit that posting in accordance with these provisions was done. Public comments shall be submitted to the Zoning Administrator during the two week period in which the posters are displayed.
2. The Zoning Administrator shall consult with the Historic Preservation Planner regarding compliance with the standards in these provisions. The Zoning Administrator and Historic Preservation Planner shall consider any comments received from the public only to the extent the comments relate to compliance with the standards in these provisions. The decision to approve, approve with conditions, or deny the COA shall be made no less than 45 days after submission of the application.
3. Upon Zoning Administrator approval of an application, the approved certificate shall be issued with a list of conditions, if applicable. The applicant and any person who submitted a written objection to the application shall be provided with notice of the approval. Upon denial of an application, the applicant shall be provided written notice of the decision, including a statement of the reasons for the denial.

3-4.3 Appeals of Zoning Administrator Decisions

1. A decision of the Zoning Administrator may be appealed to the Board of Supervisors by the applicant or any other aggrieved person by filing a written notice of appeal within ten days from the date of decision. An appellant shall set forth, in writing, the grounds for an appeal, including the procedure(s) or standard(s) alleged to have been violated or misapplied by the Zoning Administrator, and/or any additional information, factors or opinions he or she deems relevant to the application. The applicant, or his agent, and any aggrieved person, shall be given an opportunity to be heard on the appeal.
2. In any appeal, the Board of Supervisors shall consider the Zoning Administrator decision, the written appeal, the criteria set forth in this Ordinance, as applicable, and any other information, factors, or opinions it deems relevant to the application.
3. A final decision of the Board of Supervisors may be appealed by the owner of the subject property to the Circuit Court of Fauquier County, by filing with the court a petition setting forth the alleged illegality of the action taken. Such petition must be filed with the Circuit Court within thirty days after the Board of Supervisors' final decision. The filing of the petition shall stay the Board's decision pending the outcome of the appeal; except that the filing of the petition shall not stay a decision of the Board of Supervisors denying permission to demolish a building or structure.
4. Any appeal which may be taken to the Circuit Court from a decision of the Board of Supervisors to deny a permit for the demolition of a building or structure shall not affect the right of the property owner to make the bona fide offer to sell as described below.
5. In addition to the right of appeal set forth above, the owner of a building or structure, the demolition of which has been the subject of an application appealed to the Board of Supervisors, shall, as a matter of right, be entitled to demolish such building or structure if all of the following conditions have been met:
 - A. The owner has appealed to the Board of Supervisors for permission to demolish the building or structure, and the BOS has denied such permission;
 - B. The owner has, for the applicable sale period set forth below, and at a price reasonably related to the fair market value of the subject property, made a bona fide offer to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto; and
 - C. No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of such contributing structure, and the land pertaining thereto, prior to the expiration of the applicable sale period.
 - D. If all of the foregoing conditions are not met within the applicable sale period, then the Board of Supervisors' decision denying a permit shall stand, unless and until that decision is overturned by the Circuit Court. However, following expiration of the applicable sale period, a property owner may renew his request to the Board of Supervisors to approve the demolition of the contributing structure.
 - E. The time in which a property owner may take advantage of the rights afforded by subparagraph (d), above (the applicable "sale period") shall be as follows:
 - i. Three (3) months, when the offering price is less than twenty-five thousand dollars (\$25,000.00).
 - ii. Four (4) months when the offering price is equal to or greater than twenty-five thousand dollars (\$25,000.00) but less than forty thousand dollars (\$40,000.00).
 - iii. Five (5) months when the offering price is equal to or is greater than forty thousand dollars (\$40,000.00) but less than fifty-five thousand dollars (\$55,000.00).
 - iv. Six (6) months when the offering price is equal to or greater than fifty-five thousand dollars (\$55,000.00) but less than seventy-five thousand dollars (\$75,000.00).
 - v. Seven (7) months when the offering price is equal to or is greater than seventy-five thousand dollars (\$75,000.00) but less than ninety thousand dollars (\$90,000.00).
 - vi. Twelve (12) months when the offering price is equal to or greater than ninety thousand dollars (\$90,000.00).

3-5 VALIDITY OF CERTIFICATES OF APPROPRIATENESS

1. Once issued, a Certificate of Appropriateness shall expire and become void one year after issuance, unless within that time period one of the following has occurred:
 - A. Issuance of a building permit for construction of the improvements or activities which are the subject of the certificate, or in cases where no building permit is required, construction of the improvements or the activities which are the subject of the certificate has substantially commenced.
 - B. Diligent pursuit of required county approvals for construction, to include site plan, land disturbing or other plans and permits has occurred and continues.
 - C. For reasonable cause, the director of Community Development may extend the validity of any such certificate for a period not to exceed one (1) year.
2. The issuance of a Certificate of Appropriateness shall not, in and of itself, authorize any construction, reconstruction, alteration, repair, demolition, or other improvements or activities requiring a building permit. Where a building permit is required, no activity authorized by a Certificate of Appropriateness shall be lawful unless conducted in accordance with the required building permit and all applicable building code requirements.

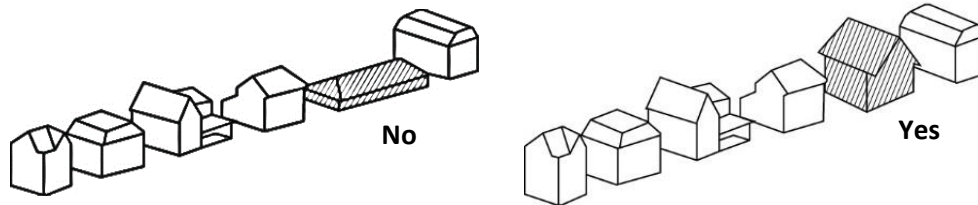
3-6 STANDARDS FOR APPROVAL OF CERTIFICATES OF APPROPRIATENESS

The **Zoning Administrator** shall approve an application for a Certificate of Appropriateness (COA) if he/she finds that the proposal meets the **MHD** standards set forth in this Section.

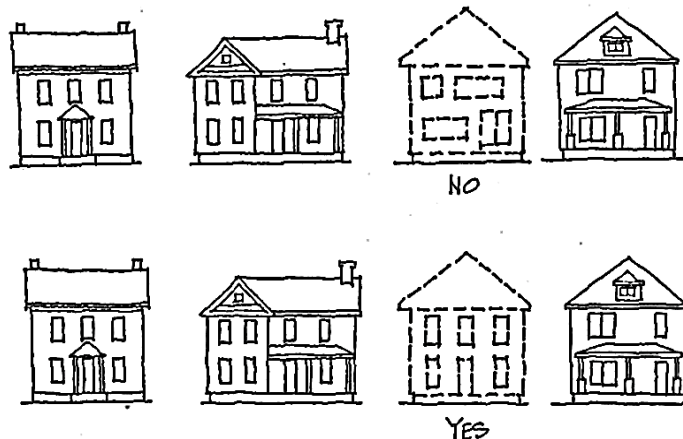
3-8.1 Standards for New Structures

The **Zoning Administrator** shall approve a Certificate of Appropriateness application for a new structure if the following standards are met.

1. New buildings shall relate in scale, massing, height, and proportion to the historic buildings in Marshall.



2. Window and door openings in new buildings shall be similar in size, shape, type, proportion, and placement to those in surrounding historic buildings to create a cohesive street rhythm.

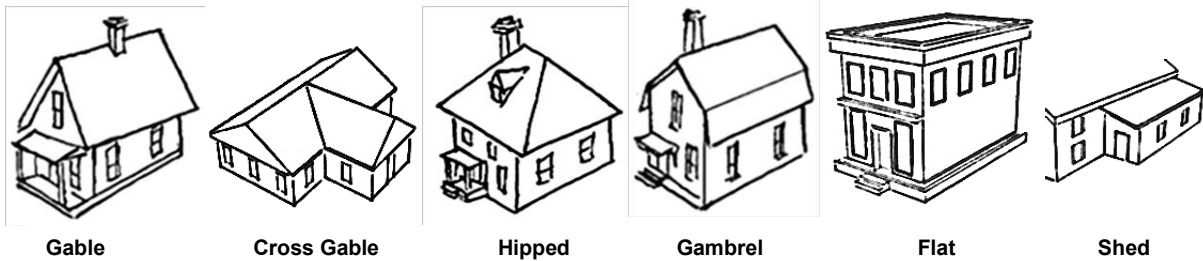


3. New buildings shall use common roof types and pitches found on historic buildings in the wider district. Most roofs on residential buildings in the District are traditional gable, hipped, and gambrel roofs. Flat roofs with parapet walls are sometimes seen on multi-story commercial buildings. Shed roofs are common on porches and additions. Cross gables on façades are present in Marshall, specifically on I-houses, a traditional house type in the District.

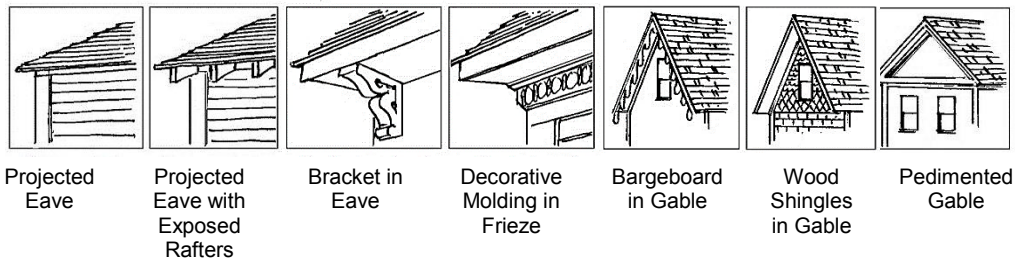


A cross gable on the façade of an I-house and a shed roof addition.

Common Roof Types in the Marshall Historic District



4. New buildings shall incorporate architectural elements (such as overhanging eaves, exposed rafters, bargeboards, moldings, trims, brackets, shingles, pediments, eave returns, columns, etc.) that are similar to those found on historic buildings in the District.



Common Porch and Portico Details in Marshall





The new commercial building shown above was constructed using architectural features reminiscent of a late 19th century/early 20th century commercial building with the use of a flat roof, parapet, a recessed entrance on the façade, transom windows, long display windows, and bulkhead along the base.



The recently-constructed house pictured above was built using some architectural features characteristic of the Craftsmen Style, with the use of overhanging eaves, brackets, full porch with wide porch supports, 3/1 pane double hung sash windows, and a large dormer window on the façade.

5. Porches or recessed entries on new buildings shall be compatible in detail with those in historic Marshall. New porches should be constructed with a depth to make them functional, typically 6 feet or more.
6. If used, dormers shall fit the scale of the roof.
7. Materials used for new buildings shall be consistent with the materials used in surrounding historic buildings. The predominant building materials in the Marshall Historic District are: wood (especially for framing, siding, windows, trim and decorative details), brick, stone, concrete and stucco. Modern alternative materials, such as cementitious siding or plank, vinyl siding (if at least 0.044" thickness and beaded or curved for rigidity), and composite based trims and windows, are appropriate, but shall appear similar to historic materials.
8. New garages and other outbuildings shall complement the character and scale of the primary building on the property and other accessory buildings in the neighborhood, and should incorporate similar architectural elements or building materials. Construction of detached garages is encouraged, but not required.

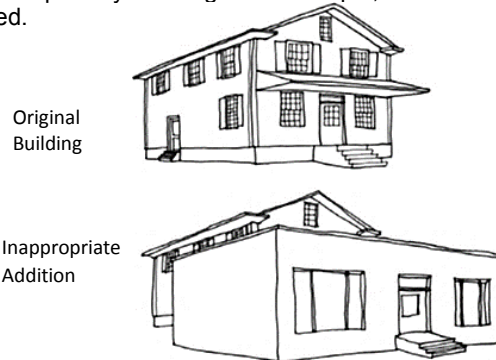


The newly-constructed garages, shed, and studio pictured above reflect the character and scale of older buildings in the surrounding neighborhoods.

3-7.2 Standards for Additions and Alterations to Existing Buildings

The Zoning Administrator shall approve a Certificate of Appropriateness application for additions and alterations to existing buildings if the following standards are met.

1. A new addition shall be constructed in proportion to the height, scale, plan, side length, roof form and architectural details of the primary building. For example, the addition of a low, horizontal wing to a tall, vertical building is discouraged.



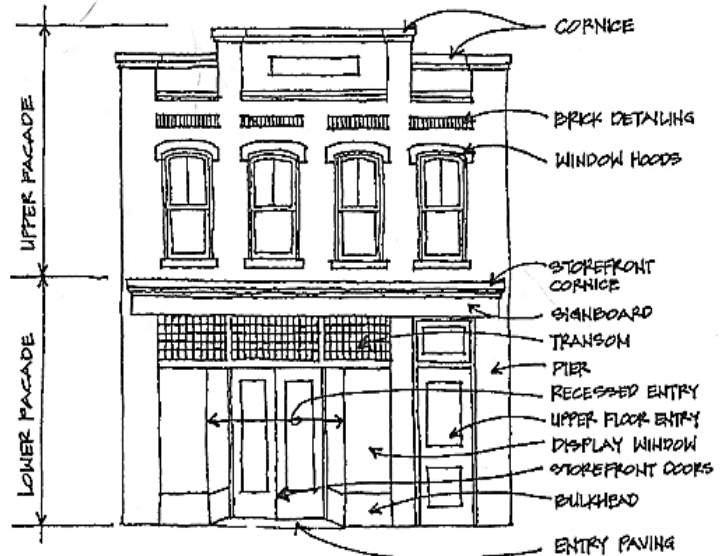
An addition not constructed in proportion to the height, scale, plan, and roof form of an existing building can have a detrimental impact to the property, streetscape, and district as a whole.



A one-story addition was recently added to the rear of the building. It was constructed in proportion to the height, scale, plan, side length, and roof form of the house.

2. Alterations to Contributing Structures shall seek to retain the historic character of the building so that the building is substantially recognizable as the original structure.
3. Significant changes to the roof forms of Contributing Structures shall be avoided.
4. New window or door openings shall be avoided on the facades of Contributing Structures. Where window and door openings are added or altered on other sides of the building, they shall be designed in a manner consistent with traditional elements of contributing structures in the historic district.
5. Significant historic storefronts are encouraged to be retained. Where replaced, the storefront shall be designed to incorporate traditional elements of small-town historic commercial buildings.

Features of a Late 19th Century-
Early 20th Century Commercial



6. Exterior elements and details, such as cornices, brackets, porches, porticos, columns, chimneys, window architraves, and doorway pediments, shall be retained or replaced with a new detail comparable in terms of size and style with the original feature.
7. Retention and repair of original building materials is desirable, but not required. If replaced, the new material shall visually match the material being replaced. Modern, alternative materials such as cementitious siding or plank, vinyl siding (if at least 0.044" thickness and beaded or curved for rigidity), and composite based trims and windows, are acceptable but should appear similar to historic materials.

3-7.3 Standards for Demolition

The following standards shall be utilized by the Zoning Administrator in determining whether to approve a Certificate of Appropriateness application involving a request for demolition. The Zoning Administrator shall weigh the public value of keeping the building (numbers 1-6 below) against the cost to the owner of keeping the building (number 7) and the public value remaining or created after demolition of the building numbers 8, 9 and 10).

1. The age of the historic structure;
2. Whether the property is listed in the National Register of Historic Places or the Virginia Landmarks Register;
3. Whether, and to what extent, the building or structure is associated with an important historic person, architect or master craftsman, or historic event;
4. Whether the building or structure, or any of its features, represent a rare or first or last remaining architectural example within the District;
5. The degree to which distinguishing characteristics, qualities, features or materials remain;
6. Whether, and to what extent, a contributing structure is linked, historically or aesthetically, to other buildings or structures within the District and whether the proposed demolition would adversely affect the character of the District;
7. The overall condition and structural integrity of the building or structure, as indicated by a study prepared by a qualified professional engineer and provided by the applicant to the Zoning Administrator;
8. The plan for the continued use of the property after demolition, including a timeline for project completion, provided by the applicant and submitted to the Zoning Administrator, and whether the proposed replacement building design respects and reflects the character of Marshall;
9. Whether, and to what extent, the applicant proposes to preserve portions, features or materials that are significant to the property's historic, architectural or cultural value;
10. The public good derived from demolishing the building relative to the public good derived from preserving it.

3-7.4 Standards for Relocation

The following standards shall be utilized by the Zoning Administrator in determining whether to approve a Certificate of Appropriateness application involving a request for relocation.

1. Relocation is a "last resort" alternative to demolition.
2. Whether or not the building is being relocated to another location within the Marshall Service District;
3. Whether the relocated building is being positioned on the new site in such a manner so that its orientation to the street, setback, and lot coverage are compatible with the existing structures on the relocation block. The shape, mass, and scale of the building to be moved should conform to the existing buildings on the relocation block.

SECTION 4: DEFINITIONS

The definitions set forth in this section apply only to the properties within the boundary of the Marshall Code. If these definitions conflict with the definitions in Article 15 in any way, these definitions shall prevail. Definitions in Article 15 shall apply only when a definition is not provided herein.

A Accessory Dwelling Unit. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area and full bathroom facilities, whether within or attached to a single-family dwelling or freestanding on the same lot as the single-family dwelling.

Addition. The enlargement of a structure accomplished by appending a new improvement.

Agricultural Supplier. A business entity that warehouses, merchandises, sells, services and delivers agriculturally related inputs required by farmers, contractors and homeowners. These products may include, but are not limited to, feed; seed; fertilizer; crop protectants; fencing; wood and metal protection products; stored bulk products such as mulch, fertilizer, lime or propane; and other supplies as needed for agricultural production, such as livestock feeding, handling and watering equipment. Materials are stored both inside and outside, and a fleet of trucks and equipment are maintained as part of the business as necessary to service customers.

Alley. A strip of land, whether public or private, intended for vehicular traffic designed to give access to the side or rear of properties whose principal frontage is on a street. An **Alley** is not considered a street.

Architectural Features. Exterior building elements intended to provide ornamentation to the building massing, including, but not limited to: eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Artisan Workshop and Studio. An establishment for the preparation, display and sale of crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, photographs, paintings and other articles of artistic quality or handmade workmanship.

Assisted Living Facility. A non-medical residential facility licensed by the Virginia Department of Social Services that provides 24 hour non-medical care and assistance to adults who are aged, infirmed or disabled.

Auction, Indoor. A type of sales facility where individual items or lots of items are individually offered by sale to an audience of prospective purchasers and are sold to the highest bidder. For purposes of this Ordinance, auctions shall occur entirely indoors and shall not include auctions selling wholesale lots, or selling vehicles or heavy equipment.

Auto Repair Shop. A building or land utilized for the repair and maintenance of automobiles, motorcycles, trailers or similar vehicles but not including heavy trucks or equipment. **Auto Repair Shop** shall include body work and painting. Automated Car Washes, Towing & Impoundment are authorized accessory uses at an **Auto Repair Shop**.

Auto Sales & Repair. A business where new or used vehicles are sold, but not including heavy trucks or equipment. Auto repair is authorized in conjunction with Auto Sales & Repair.

Average Finished Grade. A reference plane representing the average elevation of finished ground level adjoining the building or structure at all exterior walls.

B Bank. Any building or portion of building for the custody, loan, or exchange of money; for the transmission of credit and for facilitating the transmission of funds. Does not include check-cashing stores.

Bed & Breakfast. The use of a residential dwelling for commercial lodging purposes, with up to four bedrooms used for the purpose of lodging transient guests and in which meals may be prepared for them, provided that no meals may be sold to persons other than such guests.

Block. Land surrounded on all sides by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

Block Face. Perimeter edge of a block.

Block Length. The distance as measured along rear property lines between intersecting streets.

Build-To-Line. A line established a certain distance from the front property line along which the front of the building shall be built.

Building. A structure consisting of one or more foundations, floors, walls and roofs that surround an interior space, and may include exterior appurtenant structures such as porches and decks and used or intended to be used for supporting or sheltering any use or occupancy.

Building, Attached. A building that is physically connected to another building by a shared party wall or other structural features.

Building, Detached. A building that is not physically connected to another building by a shared party wall or other structural feature.

Building Entrance. A point of pedestrian ingress and egress to a building.

Building Footprint. See Footprint.

Building Frontage. The length of the front façade of the primary building on a property, not to include appurtenances such as canopies, porticos, porches or similar building features. The front façade shall be considered the face of the building where the main building entrances are located. For buildings with corner entrances, the frontage shall be calculated on the greater of the two adjacent building façades.

Business Services. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing, consulting services, printing, financial services, personnel and employment services.

- C Ceiling Height, Ground Floor.** Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

Commercial Frontage – Building frontage occupied by non-residential uses except for a lobby to upper story residential uses.

Contributing Historic Structure. a structure within the boundary of the Marshall Historic and Corridor District that (1) is at least fifty (50) years of age from the date of the adoption of this section and (2) is associated with an event or events that have made a significant contribution to the broad patterns of Marshall history; or is associated with the lives of persons significant to the history of Marshall; or embodies distinctive features of a type, period, or method of construction relating to the cultural or artistic heritage of Marshall or represents the work of a master craftsman or renowned architect; and (3) retains sufficient integrity of location, setting, materials, workmanship, design, feeling, or association. Note: a contributing structure does not have to meet all seven aspects of integrity but must meet at least three.

Cottage Industry. A small, low-intensity manufacturing or processing business employing no more than twelve workers engaged in a business located outside of an industrial area that operates without altering the character of the neighborhood, generating low traffic volumes and no noise, smoke, odor, dust, glare or vibration detectable off the property.

- D Day Care.** A facility, including a private residence, where more than 12 children or adults are offered care and supervision, but not schooling, for fewer than 18 hours per day. Day-Care does not include **Family Day Home**.

Dead-end Street. A **Street**, one end of which is closed and has an appropriate turnaround for a safe and convenient reverse of traffic movement.

Demolition. The razing or destruction, whether entirely or significant part, of the exterior of a building, structure or site.

Development. Any man-made change to real estate including but not limited to: construction of buildings or other structures; subdivision of land; the placement of paving, utilities or other improvements on the property; filling, grading and excavation; or change in use of the property.

Drive-Through. Any structure or configuration on a business property that allows a customer to access the goods or services offered by the business while remaining in a vehicle.

Driveway. A vehicular lane within a lot, or shared between two lots, usually leading to a garage, other parking or loading area.

Dwelling. A building or portion thereof, designed or used for residential occupancy for a one complete independent household unit, with permanent provisions for living, sleeping, eating, cooking and sanitation. The term dwelling shall not be construed to mean a hotel or inn, medical care facility or other accommodation used for more or less transient occupancy.

Dwelling, Multi-Family. A residential building containing three or more separate dwelling units located on a single lot or parcel of ground.

Dwelling, Single-Family Attached. A group of two or more **Dwellings** which are joined to one another by a common party wall, where each unit has its own outside entrance, whether or not such a group is located on a single parcel of ground or on adjoining individual lots. The use includes townhouses, duplexes, triplexes and quadraplexes, but only when attached by party-walls rather than floor-ceiling.

Dwelling, Single-Family Detached. A residential building containing one **Dwelling** and occupied by no more than one household, except that an **Accessory Dwelling**, where authorized, may be located within a Single- Family Detached Dwelling, where permitted.

- E Eating Place.** A business preparing and selling food and/or beverages to consumers for on- or off-premise consumption. Accessory sale of prepared foods from a **General Retail** establishment is not included and shall be considered part of the retail use.

Event. A non-routine planned occasion or activity lasting no more than 3 days that is open to the public. **Event** shall not include sporting activities other than bicycle and people races.

Exterior Alterations. Any change to the exterior surfaces of a structure or part thereof to exclude cosmetic changes such as painting.

- F Façade.** The vertical surface of a building.
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Family Day Home. A child day program as defined in Section 63.2-100 of the *Code of Virginia* offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, where at least one child receives care for compensation.

Farm Equipment Sales. An establishment that sells, rents and services farm equipment designed specifically for agricultural purposes, whether for use on a farm or in the transportation of farm products, but shall not include buildings. In no case shall non-farm vehicles or equipment be sold, leased or serviced.

Fence. An enclosure or barrier, such as wooden posts, wire, iron, etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural areas.

Fencing, Open. A fence in which openings between the materials of which the fence is constructed represent at least 50 percent of the total surface of the fence.

Floor Area. The sum of the total horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of the exterior walls separating two buildings. Attics and basements shall be counted if they contain structural head-room of at least 6 feet 6 inches.

Footprint. The total square footage contained within the outline of the area of ground covered by a building or structure.

Form, Building. The overall shape and dimensions of a building.

Funeral Home. A building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial, (b) the performance of autopsies and other surgical procedures, the storage of caskets, funeral urns and other related funeral supplies and the storage of funeral vehicles. A Funeral Home may include cremation facilities if approved by Special Permit.

G Garage. A structure, or part thereof, used or intended to be used for the parking and storage of personal motor vehicles owned by those living or working on-site.

Gas Station. A facility used for the retail sale of automobile fuel, oil, and accessories. A Gas Station shall not include facilities for Tractor Trailers.

Government Facilities, County. Facilities built or leased by the County for use to provide government services, but not to include Sanitary Landfill or Transfer Facilities.

Ground Floor. The floor of a building located nearest to the level of the ground around the building.

Ground Floor Ceiling Height. Height from finished floor to finished ceiling of primary rooms on the ground floor, not including secondary rooms such as bathrooms, closets, utility rooms and storage spaces.

H Height. The vertical distance between the **Average Finished Grade** and the highest point of the roof for flat roofs, and to the average height between eaves and the ridge for gable, hip and gambrel roofs.

Home Occupation. Business activities occurring within a residence or its accessory structures, as limited by Article 6 of the Zoning Ordinance.

Hotel. A lodging establishment of more than 20 rooms in a building or group of buildings offering transient lodging accommodations on a daily rate to the general public. Additional services may include a restaurant, meeting rooms and other conference facilities, and recreational facilities.

I Indoor Recreation, Including Gym, and Sports/Activity Center. An indoor facility, with or without seating for spectators, that provides accommodations for sports or recreational activities, including but not limited to amusement arcades, billiard/pool halls, bowling alleys, basketball, batting cages, fitness centers, gymnastics, handball, health clubs, ice hockey, paintball, racquetball, soccer, swimming pool, tennis, trampoline and volleyball. Such facilities may include accessory facilities and uses including but not limited to coaching/teaching, day care facilities, eating establishments, events, meetings and retail sales. A firing range shall not be allowed as part of an indoor recreation facility.

Indoor Technical Schools. Any school other than a primary, secondary or college of general education, to include but not limited to dance schools, business schools, trade schools, art schools and similar facilities.

Inn. A building or group of buildings 20 or fewer rooms providing overnight accommodations and breakfast to transient guests.

L Landscaping. Flowers, shrubs, trees or other decorative material of natural origin.

Legally Existing. Existing prior to the adoption of the County's first zoning ordinance or established with approval of all required County plan and permit approvals.

Licensed Building Industry Professional. A builder, contractor, architect or real estate agent/broker holding a professional license from the Commonwealth of Virginia.

Lot. A parcel of land legally recorded as a lot of record in the County's land records. In cases where a legally recorded lot was split by a public street prior to the adoption of the County's first subdivision ordinance on August 3, 1951, each separate portion of such parcel shall be considered a lot.

Lot Area. The total square footage or acreage of horizontal area included within the lot lines of a lot.

Lot Line. The legal perimeter and geometry of a parcel of property demarcating one property from another.

Lot Width. The distance between side lot lines, measured where the lot abuts the street. For lots fronted by multiple streets, the Lot Width shall be measured along the main street.

M Massing. The overall shape or arrangement of the bulk or volume of buildings and structures.

Medical Care Facility. A facility licensed by the Virginia Department of Health in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for the treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as hospitals, convalescent homes, nursing homes, intermediate care facilities and extended care facilities.

Medical Services. A facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices, outpatient care facilities, urgent care facilities, and other allied health services. These facilities may also include incidental medical laboratories. Offices that accommodate counseling services by other than medical doctors or psychiatrists are included under "Office – Business/Professional." Use shall not include Sex Offender Treatment facilities.

Meeting Facilities. A facility for public or private meetings, including: community centers, civic and private auditoriums, places of worship, meeting halls for clubs and other membership organizations, event space, etc. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include conference and meeting rooms accessory and incidental to another primary use, and which are typically used only by on-site employees and clients, and occupy less floor area on the site than the offices they support. Does not include: cinemas, performing arts theaters, indoor commercial sports assembly or other commercial entertainment facilities.

Museum. Any use the primary purpose of which is the exhibition of objects of lasting interest or value; such use may include the sale of items related to the objects exhibited in the facility (such as copies, prints or books dealing with objects of the types exhibited).

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O Office – Business/Professional/Contractor. A room, studio, suite or building in which a person transacts his business or carries on his stated occupation. For the purpose of this Ordinance, an office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods and products; or the sale and delivery of materials, goods and products which are physically located on the premises. Office shall not include Sex Offender Treatment.

Off-Site. Any area outside the boundary of a lot.

Off-Street Parking. Any space, whether or not required by the provisions of this Ordinance, specifically allotted to the parking of motor vehicles as an accessory use. For the purpose of this Ordinance, such space shall not be located in a dedicated right-of-way, a travel lane, a service drive, nor any easement for public ingress and egress.

On-Site. The area within the boundary of a lot.

Open Space. An accessible and usable area of land retained for active or passive recreation areas and developed for open space use as required by the Marshall Code.

P Parapet. A low wall along the edge of a roof or the portion of a wall that extends above the roof line.

Parking Driveway Width. The horizontal measurement, measured perpendicular to the direction of travel, of an access driveway to a parking area.

Parking Space. A designated off-street area which is available and usable for the parking of one motor vehicle, not to include spaces where vehicles are stored.

Permitted Use. Uses that are allowed by right.

Pet Grooming. The provision of hygienic care and cleaning of a pet, or the physical appearance of the pet is enhanced. Pet Grooming shall not include boarding or breeding.

Planting Strips. A landscaped or grassy area located between a street and a sidewalk.

Personal Services. Establishments that provide non-medical services to individuals as a primary use. Examples of these uses include: barber and beauty shops, clothing rental, dry cleaning pick-up stores with limited equipment, home electronics and small appliance repair, laundromats (self-service laundries), locksmiths, massage (licensed, therapeutic, non-sexual), nail salons, pet grooming with no boarding, shoe repair shops, tailors, tanning salons. These uses may also include accessory retail sales of products related to the services provided.

Porch. A covered shelter projecting in front of the entrance of a building.

Pre-School. A facility, including a private residence, where children who have not reached the age for enrollment in kindergarten are cared for or schooled.

Public or Private School. See School, Public or Private.

Public Parking. An area or structure open to the general public for parking, either with or without a fee.

- R Recreation, Active.** Recreational pursuits usually performed with others and often requiring equipment which required physical alteration to the area in which they are performed. Such areas are intensively used, and include but are not limited to playgrounds, sport courts, baseball/softball and other field sports, and swimming pools.

Residential. Premises used primarily for human habitation.

Residential Care Facility. A non-medical facility licensed or supervised by an appropriate State or Federal agency to provide resident services and 24 hour supervision. Such a facility is headed by an agency-approved staff and functions as a single housekeeping unit.

Retail Sales. The sales of goods, merchandise and commodities in small quantities, not in bulk, for use or consumption by the immediate purchaser. Retail sales shall not include the sales of vehicles or trailers, nor shall it include the sale of petroleum products.

Right-of-Way. (R.O.W.) Land, property, or an interest therein, dedicated to transportation purposes.

Right-of-Way, Public. A right-of-way dedicated to use by the general public.

- S School, Public or Private.** Academic schools to include elementary/primary/secondary/advanced education as well as Colleges and Universities. Business Schools are considered Technical Schools.

Setback. The mandatory clear distance between a lot line and a structure.

Shared Parking. Any parking spaces assigned to more than one user, where different persons utilizing the spaces are unlikely to need the spaces at the same time of day.

Short-Term Rental. Any dwelling or portion thereof that is available for use or is used for accommodations or lodgings of guests paying a fee or other compensation for a period of less than 30 consecutive days.

Sidewalk. A paved right-of-way intended exclusively for pedestrian use and often installed between a street and lot frontages.

Site Plan. A required submission, prepared and approved in accordance with the provisions of Article 12 of the Ordinance, which is a detailed engineering drawing of the proposed improvements to be constructed in the development of a given lot.

Storage Area. The storage of any goods, vehicles, equipment or other materials either within or outside of a building. **Storage Area** shall not include parking lots or display areas for goods being sold from the property.

Storefront. The portion of a frontage composed of the display window and/or entrance and its components, including windows, doors, transoms and sills that are inserted into various frontage types, such as a shopfront or gallery, to accommodate retail uses.

Story. An above-grade habitable floor level within a building.

Street Line. The dividing line between a street and a lot.

Street, Private. A local street that is not a component of the State system, including any easement established to provide required access to a lot.

Street, Public. A platted **Street** dedicated for the use of the general public and maintained by the Virginia Department of Transportation. A dedicated street that has not been improved shall also be considered a Public Street.

- T Temporary Event.** A non-routine planned occasion or activity lasting no more than 3 days that is open to the public. **Temporary Event** shall not include sporting activities other than bicycle and people races. **Temporary Events** shall not include temporary business operations except for grand-opening or similar type events hosted on the business property.

Theater. A building or structure designed for the enactment of dramatic or musical performances and/or showing of motion pictures. For the purpose of this Code, a dinner theater shall be considered an eating establishment, and an outdoor theater shall not be classified as Theater.

- U Use.** Any purpose for which a structure or parcel of land may be designed, arranged, intended, maintained or occupied; also, any activity, occupation, business or operation carried on, or intended to be carried on within a structure or on a parcel of land.
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- V Veterinary Clinic.** A facility rendering surgical and medical treatment to animals and having no limitation on overnight accommodations for the animals being treated. Crematory facilities shall not be allowed in a Veterinary Clinic.
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