

**CITY OF SALEM, VIRGINIA
ZONING ORDINANCE**

**ADOPTED BY SALEM CITY COUNCIL
MARCH 14, 2005**

Prepared by the
City of Salem Planning Commission
With the Assistance of
MarshWitt Associates, P.C.

(Revised February 10, 2005)

(Revised February 28, 2005)

Table of Contents

TABLE OF CONTENTS ARTICLE I GENERAL PROVISIONS	2
ARTICLE I GENERAL PROVISIONS	7
SEC. 106-100 TITLE AND AUTHORITY	7
SEC. 106-102 JURISDICTION.....	7
SEC. 106-104 PURPOSE	7
SEC. 106-106 EFFECTIVE DATE.....	8
SEC. 106-108 APPLICATION OF REGULATIONS	8
SEC. 106-110 ESTABLISHMENT OF ZONING DISTRICTS.....	9
SEC. 106-112 INTERPRETATION OF DISTRICT BOUNDARIES.....	10
ARTICLE II DISTRICT REGULATIONS	11
SEC. 106-200 AG - AGRICULTURE DISTRICT	11
<i>Sec. 106-200.1 Statement of Intent.....</i>	<i>11</i>
<i>Sec. 106-200.2 Permitted Uses</i>	<i>11</i>
<i>Sec. 106-200.3 Site Development Regulations</i>	<i>13</i>
SEC. 106-202 RSF – RESIDENTIAL SINGLE FAMILY DISTRICT	15
<i>Sec. 106-202.1 Statement of Intent</i>	<i>15</i>
<i>Sec. 106-202.2 Permitted Uses.....</i>	<i>15</i>
<i>Sec. 106-202.3 Site Development Regulations</i>	<i>16</i>
SEC. 106-204 RMF – RESIDENTIAL MULTI-FAMILY DISTRICT	19
<i>Sec. 106-204.1 Statement of Intent</i>	<i>19</i>
<i>Sec. 106-204.2 Permitted Uses.....</i>	<i>19</i>
<i>Sec. 106-204.3 Site Development Regulations</i>	<i>20</i>
SEC. 106-206 MHP – MANUFACTURED HOME PARK DISTRICT.....	23
<i>Sec. 106-206.1 Statement of Intent</i>	<i>23</i>
<i>Sec. 106-206.2 Permitted Uses.....</i>	<i>23</i>
<i>Sec. 106-206.3 Site Development Regulations</i>	<i>24</i>
SEC. 106-208 RB - RESIDENTIAL BUSINESS DISTRICT	25
<i>Sec. 106-208.1 Statement of Intent</i>	<i>25</i>
<i>Sec. 106-208.2 Permitted Uses.....</i>	<i>25</i>
<i>Sec. 106-208.3 Site Development Regulations</i>	<i>26</i>
SEC. 106-210 DBD DOWNTOWN BUSINESS DISTRICT.....	29
<i>Sec. 106-210.1 Statement of Intent</i>	<i>29</i>
<i>Sec. 106-210.2 Permitted Uses.....</i>	<i>29</i>
<i>Sec. 106-210.3 Site Development Regulations</i>	<i>31</i>
SEC. 106-212 TBD TRANSITIONAL BUSINESS DISTRICT	33
<i>Sec. 106-212.1 Statement of Intent</i>	<i>33</i>
<i>Sec. 106-212.2 Permitted Uses.....</i>	<i>33</i>
<i>Sec. 106-212.3 Site Development Regulations</i>	<i>35</i>
SEC. 106-214 HBD – HIGHWAY BUSINESS DISTRICT.....	37
<i>Sec. 106-214.1 Statement of Intent</i>	<i>37</i>
<i>Sec. 106-214.2 Permitted Uses.....</i>	<i>37</i>
<i>Sec. 106-214.3 Site Development Regulations</i>	<i>40</i>
SEC. 106-216 BCD – BUSINESS COMMERCE DISTRICT	41
<i>Sec. 106-216.1 Statement of Intent</i>	<i>41</i>
<i>Sec. 106-216.2 Permitted Uses.....</i>	<i>41</i>
<i>Sec. 106-216.3 Site Development Regulations</i>	<i>42</i>
SEC. 106-218 LM LIGHT MANUFACTURING DISTRICT.....	43
<i>Sec. 106-218.1 Statement of Intent</i>	<i>43</i>
<i>Sec. 106-218.2 Permitted Uses.....</i>	<i>43</i>
<i>Sec. 106-218.3 Site Development Regulations</i>	<i>45</i>
SEC. 106-220 HM HEAVY MANUFACTURING DISTRICT	46
<i>Sec. 106-220.1 Statement of Intent</i>	<i>46</i>

<i>Sec. 106-220.2</i>	<i>Permitted Uses</i>	46
<i>Sec. 106-220.3</i>	<i>Site Development Regulations</i>	48
SEC. 106-222	CLUSTER HOUSING OVERLAY (COL).....	49
<i>Sec. 106-222.1</i>	<i>Statement of Intent</i>	49
<i>Sec. 106-222.2</i>	<i>Permitted Location and Uses</i>	49
<i>Sec. 106-222.3</i>	<i>Development Regulations</i>	49
<i>Sec. 106-222.4</i>	<i>Approvals</i>	50
SEC. 106-224	COLLEGE AND UNIVERSITY DISTRICT (CUD).....	51
<i>Sec. 106-224.1</i>	<i>Statement of Intent</i>	51
<i>Sec. 106-224.2</i>	<i>Permitted Uses</i>	51
<i>Sec. 106-224.3</i>	<i>Development Regulations</i>	52
<i>Sec. 106-224.4</i>	<i>Approvals</i>	52
SEC. 106-226	FLOODPLAIN OVERLAY DISTRICT (FOD)	53
<i>Sec. 106-226.1</i>	<i>Statement Of Intent</i>	53
<i>Sec. 106-226.2</i>	<i>Definitions</i>	53
<i>Sec. 106-226.3</i>	<i>Administration And Applicability</i>	54
<i>Sec. 106-226.4</i>	<i>Establishment Of Floodplain Districts And Restrictions</i>	54
<i>Sec. 106-226.5</i>	<i>Development and Use by Special Exception</i>	55
<i>Sec. 106-226.6</i>	<i>Development Regulations, All Districts</i>	55
<i>Sec. 106-226.7</i>	<i>Development Restrictions, Floodway</i>	58
<i>Sec. 106-226.8</i>	<i>Existing Structures and Vacant Land</i>	59
<i>Sec. 106-226.9</i>	<i>VARIANCES</i>	60
<i>Sec. 106-226.10</i>	<i>Municipal Liability</i>	62
SEC.106-228	PLANNED UNIT DISTRICT	64
<i>Sec. 106-228.1</i>	<i>Statement of Intent</i>	64
<i>Sec. 106-228.2</i>	<i>Permitted Uses</i>	64
<i>Sec.106-228.3</i>	<i>Development Regulations</i>	64
<i>Sec. 106-228.4</i>	<i>Application Process</i>	66
<i>Sec. 106-228.5</i>	<i>Revisions to Final Master Plan</i>	69
<i>Sec. 106-228.6</i>	<i>Approval of Preliminary and Final Site Development Plans</i>	69
<i>Sec. 106-228.7</i>	<i>Failure to Begin Development</i>	70
ARTICLE III USE AND DESIGN STANDARDS		71
SEC. 106-300	USE AND DESIGN STANDARDS	71
SEC. 106-302	AGRICULTURAL USES	71
<i>Sec. 106-302.1</i>	<i>Agriculture</i>	71
<i>Sec. 106-302.3</i>	<i>Farm Stand</i>	71
<i>Sec. 106-302.5</i>	<i>Stable</i>	71
SEC. 106-304	RESIDENTIAL USES	72
<i>Sec. 106-304.1</i>	<i>Accessory Apartment</i>	72
<i>Sec. 106-304.3</i>	<i>Family Day Care Home</i>	73
<i>Sec. 106-304.5</i>	<i>Home Occupations</i>	73
<i>Sec. 106-304.7</i>	<i>Manufactured Home, Emergency</i>	75
<i>Sec. 106-304.9</i>	<i>Manufactured Home Park</i>	76
<i>Sec. 106-304.11</i>	<i>Multi-Family Dwellings</i>	80
<i>Sec. 106-304.13</i>	<i>Single Family Dwelling, Attached</i>	81
<i>Sec. 106-304.15</i>	<i>Single Family Dwelling, Detached</i>	81
<i>Sec. 106-304.19</i>	<i>Two Family Dwelling</i>	84
SEC. 106-306	CIVIC USES	84
<i>Sec. 106-306.1</i>	<i>Cemetery</i>	84
<i>Sec. 106-306.3</i>	<i>Community Recreation</i>	84
<i>Sec. 106-306.5</i>	<i>Educational Facilities, College and University</i>	85
SEC. 106-308	OFFICE USES.....	85
SEC. 106-310	COMMERCIAL USES	85
<i>Sec. 106-310.1</i>	<i>Automobile Dealership, New</i>	85
<i>Sec. 106-310.3</i>	<i>Automobile Dealership, Used</i>	86

<i>Sec. 106-310.5</i>	<i>Automobile Repair Services, Major</i>	86
<i>Sec. 106-310.7</i>	<i>Day Care Center</i>	87
<i>Sec. 106-310.9</i>	<i>Homestay Inn</i>	87
<i>Sec. 106-310.11</i>	<i>Manufactured Home Sales</i>	88
<i>Sec. 106-310.13</i>	<i>Personal Storage</i>	88
<i>Sec. 106-310.15</i>	<i>Recreational Vehicle Sales and Service</i>	89
SEC. 106-312	INDUSTRIAL USES	89
<i>Sec. 106-312.1</i>	<i>Asphalt Plants</i>	89
SEC. 106-314	MISCELLANEOUS USES	90
<i>Sec. 106-314.1</i>	<i>Amateur Radio Tower</i>	90
<i>Sec. 106-314.3</i>	<i>Outdoor Gatherings</i>	91
<i>Sec. 106-314.5</i>	<i>Towers</i>	92
SEC. 106-316	ACCESSORY USES AND STRUCTURES	96
<i>Sec. 106-316.1</i>	<i>Accessory Uses: Agricultural Use Types</i>	96
<i>Sec. 106-316.3</i>	<i>Accessory Uses: Residential Use Types</i>	97
<i>Sec. 106-316.5</i>	<i>Accessory Uses: Civic Use Types</i>	97
<i>Sec. 106-316.7</i>	<i>Accessory Uses: Office Use Types</i>	98
<i>Sec. 106-316.9</i>	<i>Accessory Uses: Commercial Use Types</i>	98
<i>Sec. 106-316.11</i>	<i>Accessory Uses: Industrial Use Types</i>	99
ARTICLE IV DEVELOPMENT STANDARDS		100
SEC. 106-400	SITE PLAN REVIEW	100
<i>Sec. 106-400.1</i>	<i>Preliminary Site Plans</i>	100
<i>Sec. 106-400.3</i>	<i>Final Site Plans</i>	102
<i>Sec. 106-400.5</i>	<i>Format of Plans</i>	104
<i>Sec. 106-400.7</i>	<i>Administrative Procedures and Requirements</i>	105
<i>Sec. 106-400.9</i>	<i>Minimum Standards and Improvements Required</i>	106
SEC. 106-402	BUFFER YARDS, SCREENING AND LANDSCAPING.....	107
<i>Sec. 106-402.1</i>	<i>General Requirements</i>	107
<i>Sec. 106-402.3</i>	<i>Buffer Yards</i>	107
<i>Sec. 106-402.5</i>	<i>Standards for Buffer Yard Planting and Screening</i>	111
<i>Sec. 106-402.7</i>	<i>Perimeter Landscaping Standards for Parking Lots</i>	112
<i>Sec. 106-402.9</i>	<i>Landscaping of Front Setback Areas</i>	113
<i>Sec. 106-402.11</i>	<i>Use of Existing Woodland Areas</i>	113
<i>Sec. 106-402.13</i>	<i>Interior Landscaping Standards for Parking Lots</i>	113
<i>Sec. 106-402.15</i>	<i>Planting and Design Guidelines</i>	114
<i>Sec. 106-402.17</i>	<i>Maintenance of Landscaping</i>	115
<i>Sec. 106-402.19</i>	<i>Modifications</i>	115
<i>Sec. 106-402.21</i>	<i>Conflicting Requirements</i>	116
<i>Sec. 106-402.23</i>	<i>Nonconforming uses and sites</i>	116
<i>Sec. 106-402.25</i>	<i>Additional Requirements For Exterior Storage, Refuse Disposal, Etc</i>	117
<i>Sec. 106-402.27</i>	<i>Additional Requirements for Outdoor Recreation Uses</i>	117
SEC. 106-404	OFF-STREET PARKING REQUIREMENTS	118
<i>Sec. 106-404.1</i>	<i>Applicability</i>	118
<i>Sec. 106-404.3</i>	<i>General Regulations</i>	118
<i>Sec. 106-404.5</i>	<i>Disabled Parking</i>	119
<i>Sec. 106-404.7</i>	<i>Permitted Locations</i>	119
<i>Sec. 106-404.9</i>	<i>Access</i>	119
<i>Sec. 106-404.11</i>	<i>Construction Standards</i>	119
<i>Sec. 106-404.13</i>	<i>Parking Space Dimensions</i>	120
<i>Sec. 106-404.15</i>	<i>Criteria for Determining Required Parking</i>	120
<i>Sec. 106-404.17</i>	<i>Minimum Parking Required</i>	120
<i>Sec. 106-404.19</i>	<i>Stacking Spaces and Drive-Through Facilities</i>	126
SEC. 106-406	MISCELLANEOUS PROVISIONS	127
<i>Sec. 106-406.1</i>	<i>Site Lighting</i>	127
<i>Sec. 106-406.3</i>	<i>Plot Plans</i>	127

<i>Sec. 106-406.5</i>	<i>Yard, Height and Setback Requirements</i>	127
<i>Sec. 106-406.7</i>	<i>Frontage Requirements on Cul-de-sacs</i>	128
<i>Sec. 106-406.9</i>	<i>Pipestem Lots; Prohibition of Irregular</i>	128
<i>Sec. 106-406.11</i>	<i>Single Family Detached Dwellings; Number Permitted on a Single Lot</i>	129
<i>Sec. 106-406.13</i>	<i>Public Utility Lots</i>	129
<i>Sec. 106-406.15</i>	<i>Corner and Double Frontage Lots, Orientation of Yards</i>	129
<i>Sec. 106-406.17</i>	<i>Establishment of Sight Triangles</i>	129
<i>Sec. 106-406.19</i>	<i>Location and Design of Fences</i>	130
<i>Sec. 106-406.21</i>	<i>Standards and Procedures for Review of Condominiums</i>	130
<i>Sec. 106-406.23</i>	<i>Maintenance of Established Building Lines; Establishment of Setback Lines for Certain Streets</i>	131
ARTICLE V	ADMINISTRATION	135
SEC. 106-500	ZONING ADMINISTRATOR; POWERS AND DUTIES.....	135
SEC. 106-502	PLANNING COMMISSION POWERS, DUTIES AND COMPOSITION.....	136
SEC. 106-504	ZONING PERMITS.....	137
SEC. 106-506	BUILDING PERMITS; RELATION TO ZONING.....	138
SEC. 106-508	CERTIFICATES OF ZONING COMPLIANCE.....	138
SEC. 106-510	TEMPORARY OR PARTIAL CERTIFICATES OF ZONING COMPLIANCE.....	139
SEC. 106-512	FEES.....	140
SEC. 106-514	ENFORCEMENT.....	140
SEC. 106-516	PENALTIES.....	140
SEC. 106-518	CIVIL PENALTIES.....	140
SEC. 106-520	AMENDMENTS TO ORDINANCE.....	142
<i>Sec. 106-520.1</i>	<i>Commission Study And Action</i>	143
<i>Sec. 106-520.3</i>	<i>Council Study And Action</i>	144
<i>Sec. 106-520.5</i>	<i>Posting of Property</i>	144
SEC. 106-522	CONDITIONAL ZONING.....	145
<i>Sec. 106-522.1</i>	<i>Enforcement of Conditions</i>	146
<i>Sec. 106-522.3</i>	<i>Records of Conditions</i>	146
<i>Sec. 106-522.5</i>	<i>Review of Administrators Decisions</i>	147
<i>Sec. 106-522.7</i>	<i>Amendments of Conditions</i>	147
SEC. 106-524	SPECIAL EXCEPTION PERMITS AND USE NOT PROVIDED FOR PERMITS.....	147
<i>Sec. 106-524.1</i>	<i>General Standards</i>	148
<i>Sec. 106-524.3</i>	<i>Application Requirements</i>	149
<i>Sec. 106-524.5</i>	<i>Review and Action</i>	149
<i>Sec. 106-524.7</i>	<i>Time Limitations</i>	150
SEC. 106-526	NON-CONFORMING USES AND STRUCTURES, GENERALLY.....	151
<i>Sec. 106-526.1</i>	<i>Nonconformities; Relationship to Vested Rights</i>	151
<i>Sec. 106-526.3</i>	<i>Nonconforming Uses of Buildings, Structures or Land</i>	152
<i>Sec. 106-526.5</i>	<i>Nonconforming Buildings and Structures</i>	153
<i>Sec. 106-526.7</i>	<i>Nonconforming Site Designs</i>	153
SEC. 106-528	BOARD OF ZONING APPEALS.....	154
<i>Sec. 106-528.1</i>	<i>Powers and Duties</i>	154
<i>Sec. 106-528.3</i>	<i>Applications for Variances</i>	156
<i>Sec. 106-528.5</i>	<i>Applications for Appeals</i>	156
<i>Sec. 106-528.7</i>	<i>Procedures for Variances and Appeal</i>	157
<i>Sec. 106-528.9</i>	<i>Certiorari to Review Decision of BZA</i>	157
ARTICLE VI	DEFINITIONS AND USE TYPES	159
SEC. 106-600	DEFINITIONS.....	159
SEC. 106-602	USE TYPES.....	172
<i>Sec. 106-602.1</i>	<i>Agricultural Use Types</i>	173
<i>Sec. 106-602.3</i>	<i>Residential Use Types</i>	174
<i>Sec. 106-602.5</i>	<i>Civic Use Types</i>	176
<i>Sec. 106-602.7</i>	<i>Office Use Types</i>	179

<i>Sec. 106-602.9 Commercial Use Types</i>	180
<i>Sec. 106-602.11 Industrial Use Types</i>	186
<i>Sec. 106-602.13 Miscellaneous Use Types</i>	189

ARTICLE I GENERAL PROVISIONS

Sec. 106-100 Title And Authority

(A) This ordinance, and the Official Zoning Map of the City of Salem, Virginia shall be known and referred to as the Salem Virginia Zoning Ordinance.

(B) The provisions of this ordinance have been adopted by the Salem City Council pursuant to declaration of legislative intent contained in Sec. 15.2-2200, and the authority contained in Sec. 15.2-2280 and Sec. 15.2-2281 of the Code of Virginia, as amended.

Sec. 106-102 Jurisdiction

(A) The provisions of this ordinance shall apply to all property within the corporation limits of the City of Salem, Virginia, with the exception that any property held in fee simple ownership by the United States of America or the Commonwealth of Virginia shall not be subject to the provisions contained herein.

Sec. 106-104 Purpose

(A) This ordinance, and any amendments hereto, have been adopted for the general purpose of implementing the Comprehensive Plan of the City of Salem, and for the purpose of promoting the health, safety, and/or general welfare of the public. To these ends, this ordinance is designed to give reasonable consideration to each of the following purposes:

1. Provide for adequate light, air, convenience of access, and safety from fire, flood, crime, and other dangers;
2. Reduce or prevent congestion in the public streets;
3. Facilitate the creation of a convenient, attractive and harmonious community;
4. Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;

5. Protect against destruction of, or encroachment upon, historic areas;
6. Protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health or property from fire, flood, panic or other dangers;
7. Encourage economic development activities that provide desirable employment and enlarge the tax base;
8. Provide for the preservation of agricultural and forestal lands;
9. Protect approach slopes and other safety areas of licensed heliports and airports;
10. Promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the city;
11. Protect surface and groundwater resources.

Sec. 106-106 Effective Date

(A) This ordinance shall be effective on _____.

Sec. 106-108 Application Of Regulations

(A) All land uses and activities not specifically provided for or addressed in this ordinance shall be considered uses and activities prohibited within the city unless the administrator finds that the land use or activity is compatible and consistent with the provisions of this ordinance.

(B) If a land use or activity is deemed by the administrator to be prohibited within the city, that use or activity shall not be permitted within the city unless a Use Not Provided for Permit is approved by the Council pursuant to this ordinance.

(C) Where the standards imposed by this ordinance are more or less restrictive than the standards imposed by any other public regulation, the more restrictive standard shall apply.

(D) This ordinance shall not apply to, or interfere with, any private covenant. However, if the regulations imposed by this ordinance are more restrictive, or impose a higher standard than the private covenant, then the provisions of this ordinance shall apply.

(E) All city agencies and officials that have the responsibility to issue permits and licenses pertaining to the construction of buildings or the use of land within the city shall do so only in accordance with the provisions of this ordinance. If a permit or license is issued in conflict with the provisions of this ordinance, the permit or license shall be null and void.

Sec.106-110 Establishment Of Zoning Districts

(A) The following zoning districts shall be established within the City of Salem. The location of these districts shall be shown on the official zoning map.

Agricultural Districts

AG Agricultural District

Residential Districts

RSF Residential Single Family District
RMF Residential Multi-Family District
MHP Manufactured Home Park District
RB Residential Business District

Business Districts

DBD Downtown Business District
TBD Transitional Business District
HBD Highway Business District
BCD Business Commerce District

Manufacturing Districts

LM Light Manufacturing District
HM Heavy Manufacturing District

Special Purpose Districts

COD	Cluster Housing Overlay District
CUD	College and University District
FOD	Floodplain Overlay District
PUD	Planned Unit District

Sec. 106-112 Interpretation Of District Boundaries

(A) If in the opinion of the administrator, uncertainty exists as to the exact location of any zoning district boundary, the administrator shall apply the following rules to determine the location of the boundary:

1. Zoning district boundaries that appear to approximately follow the center lines of street, rights-of-way or alleys, shall be construed to follow such center lines.
2. Zoning district boundaries that appear to follow platted lot lines shall be construed as following such platted lot lines except that the zoning designation of any lot shall extend to the center line of any adjacent street, right-of-way or alley.
3. Zoning district boundaries that appear to follow the center lines of streams and rivers shall be construed as following such center lines.

(B) If the rules contained in (A) above do not provide sufficient certainty to determine the location of a zoning district boundary, the administrator may request the Board of Zoning Appeals interpret the location of the district boundary pursuant to the authority granted by this ordinance.

ARTICLE II DISTRICT REGULATIONS

Sec. 106-200 AG - Agriculture District

Sec. 106-200.1 Statement of Intent

(A) The AG Agricultural District is created in recognition that some land exists within the city that continues to be used for limited agricultural purposes. Although now used for agriculture, the comprehensive plan recommends, through the future land use map, that these areas eventually be used for other productive uses. It is anticipated that future growth of Salem will be occurring through the development of these and other areas. Although currently zoned for agricultural use, it is anticipated that these areas will eventually be rezoned to higher use classifications in accordance with the comprehensive plan and prior to subdivision and development.

Sec. 106-200.2 Permitted Uses

(A) The following uses are permitted by right in the AG Agricultural District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types

- Agriculture *
- Farm Stand *
- Forestry Operation

2. Residential Use Types

- Home Occupation *
- Manufactured Home
- Manufactured Home, Emergency *
- Residential Human Care Facility
- Single Family Dwelling, Detached

3. Civic Use Types

- Public Parks and Recreational Areas

4. Office Use Types

- (None)

5. Commercial Use Types

(None)

6. Industrial Use Types

(None)

7 Miscellaneous Use Types

Amateur Radio Tower *

Utility Services Minor

(B) The following uses are permitted by special exception in the AG Agricultural District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards.

1. Agricultural Use Types

Stable

2. Residential Use Types

Family Day Care Home *

3. Civic Use Types

Camps

Cemetery *

Clubs

Religious Assembly

4. Office Use Types

(None)

5. Commercial Use Types

Agricultural Services

Antique Shops

Camp Grounds

Garden Center

Golf Course

Homestay Inn *

Kennel, Commercial

6. Industrial Use Types

(None)

7. Miscellaneous Use Types

Aviation Facility

Outdoor Gathering *

Shooting Range, Outdoor
Utility Services, Major

Sec. 106-200.3 Site Development Regulations

The following are general development standards for the AG Agricultural District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: 10 acres
2. Frontage: 50 feet on a public street

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: 30 feet, if right-of-way is 50 feet or greater in width; 55 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

Side Yard: Any side yard shall be a minimum of 10 percent of lot width.

Rear Yard: 30 feet

2. Accessory Structures:

Front Yard: Behind the rear building line of the principal structure.

Side Yard: 5 feet

Rear Yard: 5 feet

(C) Maximum Height of Structures

1. Principal Structures: 45 feet
2. Accessory Structures: 45 feet

(D) Maximum Building Size:

1. Principal Structures: None

2. Accessory Structures: 30 percent of rear yard area.
Accessory structures larger than 1000 square feet shall
require a special exception permit in accordance with Sec.
106-524 of this ordinance.

Sec. 106-202 RSF - Residential Single Family District

Sec. 106-202.1 Statement of Intent

(A) The RSF Residential Single Family District is created in recognition that most residential neighborhoods in Salem are comprised primarily of single family dwellings on relatively small lots. It is anticipated that most future residential development will occur in this district. Proposed development standards such as lot sizes and frontage requirements in the RSF District reflect Salem's compact development pattern and recognition that future residential development will be "infill development" Limited uses other than residential are permitted.

Sec. 106-202.2 Permitted Uses

(A) The following uses are permitted by right in the RSF Residential Single Family District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Home Occupation *
Manufactured Home, Emergency *
Residential Human Care Facility
Single Family Dwelling, Detached
3. Civic Use Types
Community Recreation *
Public Parks and Recreation Areas
Religious Assembly
4. Office Use Types
(None)
5. Commercial Use Types
(None)
6. Industrial Use Types
(None)

- 7. Miscellaneous Use Types
 - Amateur Radio Tower *
 - Utility Services, Minor

(B) The following uses are permitted by special exception in the RSF Residential Single Family District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

- 1. Agricultural Use Types
 - Stable *
- 2. Residential Use Types
 - Accessory Apartment *
 - Family Day Care Home *
 - Single Family Dwelling, Attached
 - Townhouse *
 - Two Family Dwelling
- 3. Civic Use Types
 - Cemetery *
 - Educational Facilities, Primary/Secondary
- 4. Office Use Types
 - (None)
- 5. Commercial Use Types
 - Golf Course
- 6. Industrial Use Types
 - (None)
- 7. Miscellaneous Use Types
 - Outdoor Gathering *
 - Utility Services, Major

Sec. 106-202.3 Site Development Regulations

The following are general development standards for the RSF Residential Single Family District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: 9000 square feet
2. Frontage: 75 feet on a public street

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

Side Yard: Any side yard shall be a minimum of 10 percent of lot width. However, total side yards shall not be required to exceed 25 feet

Rear Yard: 25 feet

2. Accessory Structures:

Front Yard: Behind the rear building line of the principal structure.

Side Yard: 5 feet

Rear Yard: 5 feet

(C) Maximum Height of Structures

1. Principal Structures: 45 feet. Principal structures exceeding 45 feet in height shall require a special exception permit in accordance with Sec. 106-524 this ordinance.

2. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.

(D) Maximum Building Size:

1. Principal Structures: None

2. Accessory Structures: 30 percent of rear yard area.
Accessory structures larger than 1000 square feet shall
require a special exception permit in accordance with Sec.
106-524 of this ordinance.

Sec. 106-204 RMF - Residential Multi-Family District

Sec. 106-204.1 Statement of Intent

The RMF Residential Multi-Family District has been created in recognition that some areas within the city are suitable for higher density residential uses. Apartments and townhouses are the predominant land uses in this district. These housing types provide diversity in the style and value of housing in the city. Development standards in the RMF District such as density , lot sizes and frontage requirements reflect Salem's compact development pattern and recognition that higher density housing that is properly designed and located, can play an important role in meeting the city's future housing need.

Sec. 106-204.2 Permitted Uses

(A) The following uses are permitted by right in the RMF Residential Multi-Family District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)

2. Residential Use Types
Accessory Apartment *
Home Occupation *
Manufactured Home, Emergency *
Multi-Family Dwelling *
Residential Human Care Facility
Single Family Dwelling, Detached
Townhouse *

3. Civic Use Types
Assisted Care Residence
Community Recreation *
Educational Facilities - Primary/Secondary
Public Parks and Recreation Areas
Religious Assembly

4. Office Use Types
(None)

5. Commercial Use Types
(None)

6. Industrial Use Types
(None)

7. Miscellaneous Use Types
Amateur Radio Tower *
Utility Services, Minor

(B) The following uses are permitted by special exception in the RMF Residential Multi-Family District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)

2. Residential Use Types
Family Day Care Home *
Single Family Dwelling, Attached
Two Family Dwelling

3. Civic Use Types
(None)

4. Office Use Types
General Office
Medical Office

5. Commercial Use Types
Homestay Inn *

6. Industrial Use Types
(None)

7. Miscellaneous Use Types
Outdoor Gathering *
Utility Services, Major

Sec. 106-204.3 Site Development Regulations

The following are general development standards for the RMF Residential Multi-Family District. For additional, modified

or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: 7200 square feet
2. Frontage: 60 feet on a public street

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

Side Yard: 20 feet

Rear Yard: 20 feet

2. Accessory Structures:

Front Yard: Behind the rear building line of the principal structure.

Side Yard: 2 feet

Rear Yard: 2 feet

(C) Maximum Height of Structures

1. Principal Structures: 45 feet.
2. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.

(D) Maximum Building Size:

1. Principal Structures: None

2. Accessory Structures: 30 percent of rear yard area.
Accessory structures larger than 1000 square feet shall
require a special exception permit in accordance with Sec.
106-524 of this ordinance.

Sec. 106-206 MHP - Manufactured Home Park District

Sec. 106-206.1 Statement of Intent

The MHP Manufactured Home Park District has been created in recognition that manufactured housing is an important and desired housing option for some city residents. Standards and uses for the MHP district have been designed to reflect standards and uses found in some current manufactured home park communities and to allow the development of new manufactured home communities that have a desirable living environment.

Sec. 106-206.2 Permitted Uses

(A) The following uses are permitted by right in the MHP Manufactured Home Park District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Home Occupation *
Manufactured Home, Emergency *
Manufactured Home Park *
3. Civic Use Types
Public Parks and Recreation Areas
4. Office Use Types
(None)
5. Commercial Use Types
(None)
6. Industrial Use Types
(None)
7. Miscellaneous Use Types
Utility Services - Minor

Sec. 106-206.3 Site Development Regulations

The following are general development standards for the MHP Manufactured Home Park District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: 10 acres
2. Frontage: 50 feet on a public street

Sec. 106-208 RB - Residential Business District

Sec.106-208.1 Statement of Intent

The RB Residential Business District is created in recognition that some older residential areas near the center of the city may be suitable for the integration of residential and limited commercial uses of benefit to neighborhood residents. The intent of the district is to create a walkable, livable residential community with a mixture of residential and nonresidential uses. To that end, the scale and nature of retail uses is limited to preserve the mixed character of the district.

Sec. 106-208.2 Permitted Uses

(A) The following uses are permitted by right in the RB Residential Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Accessory Apartment *
Family Day Care Home *
Home Occupation *
Manufactured Home, Emergency *
Multi-Family Dwelling *
Residential Human Care Facility
Single Family Dwelling, Detached
Townhouse *
3. Civic Use Types
Administrative Services
Cultural Services
Public Parks and Recreation Areas
Religious Assembly
4. Office Use Types
Financial Institutions
General Offices

5. Commercial Use Types

Antique Shops
Day Care Center *
Homestay Inn *
Personal Services
Studio, Fine Arts

6. Industrial Use Types

(None)

7. Miscellaneous Use Types

Amateur Radio Tower *
Utility Services - Minor

(B) The following uses are permitted by special exception in the RB Residential District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types

(None)

2. Residential Use Types

Single Family Dwelling, Attached
Two Family Dwelling

3. Civic Use Types

Educational Facilities - Primary/Secondary

4. Office Use Types

Medical Offices/Clinics

5. Commercial Use Types

Retail Sales

6. Industrial Use Types

(None)

7. Miscellaneous Use Types

(None)

Sec. 106-208.3 Site Development Regulations

The following are general development standards for the RB Residential Business District. For additional, modified or

more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: 7200 square feet
2. Frontage: 60 feet on a public street

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: 25 feet, if right-of-way is 50 feet or greater in width; 50 feet from the centerline of any right-of-way less than 50 feet in width. However, if an adjoining lot is developed, no principal structure shall be required to have a front yard greater than that observed by an existing building on an adjoining lot.

Side Yard: Any side yard shall be a minimum of 10 percent of lot width. However, total side yards shall not be required to exceed 25 feet.

Rear Yard: 15 feet

2. Accessory Structures:

Front Yard: Behind the rear building line of the principal structure.

Side Yard: 2 feet

Rear Yard: 2 feet

(C) Maximum Height of Structures

1. Principal Structures: 45 feet.
2. Accessory Structures: 15 feet

(D) Maximum Building Size:

1. Principal Structures: None
2. Accessory Structures: 30 percent of rear yard area. Accessory structures larger than 1000 square feet shall

require a special exception permit in accordance with Sec. 106-524 of this ordinance.

Sec. 106-210 DBD Downtown Business District

Sec. 106-210.1 Statement of Intent

The DBD Downtown Business District has been created to recognize and promote the unique character of Salem's downtown area. The district allows and encourages, through flexible design standards, a mixture of professional offices, financial services, government functions and specialty retail. Upper floor residential uses are encouraged. Automobile related uses are limited in the district. Overall, permitted uses, setbacks and development standards are designed to maintain a downtown urban character.

Sec. 106-210.2 Permitted Uses

(A) The following uses are permitted by right in the DBD Downtown Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Home Occupation *
Manufactured Home, Emergency *
3. Civic Use Types
Assisted Care Residence
Clubs
Guidance Services
Life Care Facility
Nursing Home
Post Office
Public Parks and Recreation Areas
Religious Assembly
Safety Services
4. Office Use Types
Financial Institutions
General Offices
Laboratories

5. Commercial Use Types

Antique Shops
Automobile Parts/Supply, Retail
Business or Trade School
Business Support Services
Commercial Indoor Entertainment
Communication Services
Consumer Repair Services
Convenience Store
Day Care Center *
Funeral Services
Homestay Inn *
Hotel/Motel/Motor Lodge
Pawn Shop
Personal Improvement Services
Personal Services
Restaurant
Retail Sales
Studio, Fine Arts
Veterinary Hospital/Clinic

6. Industrial Use Types

Transportation Terminal

7. Miscellaneous Use Types

Utility Service, Minor

(B) The following uses are permitted by special exception in the DBD Downtown Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types

(None)

2. Residential Use Types

Multi-Family Dwelling *
Residential Human Care Facility
Single Family Dwelling, Attached *
Single Family Dwelling, Detached *
Townhouse *
Two Family Dwelling *

3. Civic Use Types
 - Administrative Services
 - Correction Facilities
 - Crises Center
 - Cultural Services
 - Educational Facilities, College/University *
 - Educational Facilities, Primary/Secondary
 - Halfway House
 - Public Assembly
 - Public Maintenance and Service Facilities
4. Office Use Types
 - Medical Offices/Clinics
5. Commercial Use Types
 - Assembly Hall
 - Commercial Indoor Amusement
 - Hospital
6. Industrial Use Types
 - (None)
7. Miscellaneous Use Types
 - Outdoor Gathering *
 - Parking Facility, Surface/Structure
 - Utility Service, Major

Sec. 106-210.3 Site Development Regulations

The following are general development standards for the DBD Downtown Business District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: No minimum.
2. Frontage: No minimum.

(B) Minimum and Maximum Setback Requirements

1. Principal Structure:

Front Yard: No Minimum; Maximum of 20 feet.

No front yard shall be used for any parking area or otherwise designed or devoted to any vehicle use.

Side Yard: No Minimum

Rear Yard: No Minimum

2. Accessory Structures:

Front Yard: Behind the rear building line of the principal structure.

Side Yard: No Minimum

Rear Yard: No Minimum

(C) Maximum Height of Structures

1. Principal Structures: 80 Feet. Structures higher than 80 feet shall require a special exception permit in accordance with Sec. 106-524 of this ordinance.

2. Accessory Structures: Less than height of principal structure.

(D) Maximum Building Size:

1. Principal Structures: None

2. Accessory Structures: 30 percent of rear yard area. Accessory structures larger than 1000 square feet shall require a special exception permit in accordance with Sec. 106-524 of this ordinance.

Sec. 106-212 TBD Transitional Business District

Sec. 106-212.1 Statement of Intent

The TBD Transitional Business District has been created in recognition that there are commercial areas near downtown Salem that exhibit patterns of development similar, but less intensive than, the Downtown Business District. These areas are suitable for future downtown-type uses and development patterns. The Transitional Business District allows a mixture of professional offices, financial services, government functions and specialty retail. Upper floor residential uses similarly are encouraged. Automobile related uses are limited in the district. Overall, setbacks and development standards are designed to allow a downtown urban character

Sec. 106-212.2 Permitted Uses

(A) The following uses are permitted by right in the TBD Transitional Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Home Occupation *
Manufactured Home, Emergency *
3. Civic Use Types
Assisted Care Residence
Clubs
Guidance Services
Life Care Facility
Nursing Home
Post Office
Public Parks and Recreation Areas
Religious Assembly
Safety Services

4. Office Use Types
 - Financial Institutions
 - General Offices
 - Laboratories

5. Commercial Use Types
 - Antique Shops
 - Automobile Parts/Supply, Retail
 - Automobile Repair Services, Minor
 - Business or Trade School
 - Business Support Services
 - Commercial Indoor Entertainment
 - Communication Services
 - Consumer Repair Services
 - Convenience Store
 - Day Care Center *
 - Funeral Services
 - Homestay Inn *
 - Hotel/Motel/Motor Lodge
 - Pawn Shop
 - Personal Improvement Services
 - Personal Services
 - Restaurant
 - Retail Sales
 - Studio, Fine Arts
 - Veterinary Hospital/Clinic

6. Industrial Use Types
 - Transportation Terminal

7. Miscellaneous Use Types
 - Utility Service, Minor

(B) The following uses are permitted by special exception in the TBD Transitional Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
 - (None)

2. Residential Use Types
 - Multi-Family Dwelling *
 - Residential Human Care Facility
 - Single Family Dwelling, Attached *

Single Family Dwelling, Detached *
Townhouse *
Two Family Dwelling *

3. Civic Use Types

Administrative Services
Correction Facilities
Crises Center
Cultural Services
Educational Facilities, College/University *
Educational Facilities, Primary/Secondary
Halfway House
Public Assembly
Public Maintenance and Service Facilities

4. Office Use Types

Medical Offices/Clinics

5. Commercial Use Types

Assembly Hall
Commercial Indoor Amusement
Hospital

6. Industrial Use Types

(None)

7. Miscellaneous Use Types

Outdoor Gathering *
Parking Facility, Surface/Structure
Utility Service, Major

Sec. 106-212.3 Site Development Regulations

The following are general development standards for the TBD Transitional Business District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: No minimum.
2. Frontage: No minimum.

(B) Minimum and Maximum Setback Requirements

1. Principal Structure:

Front Yard: No Minimum

Side Yard: No Minimum

Rear Yard: No Minimum

2. Accessory Structures:

Front Yard: Behind the rear building line of the principal structure.

Side Yard: No Minimum

Rear Yard: No Minimum

(C) Maximum Height of Structures

1. Principal Structures: Principal Structures: 80 Feet
Structures higher than 80 feet shall require a special exception permit in accordance with Sec. 106-524 of this ordinance

2. Accessory Structures: Less than height of principal structure.

(D) Maximum Building Size:

1. Principal Structures: None

2. Accessory Structures: 30 percent of rear yard area.
Accessory structures larger than 1000 square feet shall require a special exception permit in accordance with Sec. 106-524 of this ordinance.

Sec. 106-214 HBD - Highway Business District

Sec. 106-214.1 Statement of Intent

The HBD Highway Business District has been created to provide and allow a wide variety of commercial and service uses that are typically found along or near major transportation arterials. This district provides a location and development standards for more intensive commercial uses not appropriate for the Downtown (DBD) or Residential (RB) Districts.

Sec. 106-214.2 Permitted Uses

(A) The following uses are permitted by right in the HBD Highway Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
 (None)

2. Residential Use Types
 Home Occupation*
 Manufactured Home, Emergency *

3. Civic Use Types
 Administrative Services
 Assisted Care Residence
 Clubs
 Cultural Services
 Guidance Services
 Life Care Facility
 Nursing Home
 Park and Ride Facility
 Post Office
 Public Assembly
 Public Maintenance and Service Facilities
 Public Parks and Recreation Areas
 Religious Assembly
 Safety Services

4. Office Use Types

Financial Institutions
General Offices
Laboratories

5. Commercial Use Types

Agricultural Services
Antique Shops
Assembly Hall
Automobile Dealership, New *
Automobile Parts/Supply, Retail
Automobile Rental/Leasing
Automobile Repair Services, Minor
Business or Trade School
Business Support Services
Car Wash
Commercial Indoor Amusement
Commercial Indoor Entertainment
Commercial Indoor Sports and Recreation
Commercial Outdoor Entertainment
Commercial Outdoor Sports and Recreation
Communication Services
Construction Sales and Services
Consumer Repair Services
Convenience Store
Day Care Center *
Equipment Sales and Rental
Funeral Services
Garden Center
Gasoline Station
Golf Course
Homestay Inn *
Hotel/Motel/Motor Lodge
Kennel, Commercial
Laundry
Pawn Shop
Personal Improvement Services
Personal Services
Personal Storage *
Recreational Vehicle Sales and Service *
Restaurant
Retail Sales
Studio, Fine Arts
Veterinary Hospital/Clinic

6. Industrial Use Types
 - Custom Manufacturing
 - Recycling Centers and Stations
 - Transportation Terminal

7. Miscellaneous Use Types
 - Outdoor Gathering *
 - Utility Service, Minor

(B) The following uses are permitted by special exception in the HBD Highway Business District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
 - (None)
2. Residential Use Types
 - (None)
3. Civic Use Types
 - Cemetery *
 - Correction Facilities
 - Crises Center
 - Educational Facilities, Primary/Secondary
 - Halfway House
4. Office Use Types
 - Medical Offices/Clinics
5. Commercial Use Types
 - Automobile Dealership, Used *
 - Automobile Repair Services, Major *
 - Dance Hall
 - Flea Market
 - Hospital
 - Manufactured Home Sales *
 - Truck Stop
6. Industrial Use Types
 - (None)
7. Miscellaneous Use Types
 - Aviation Facility
 - Parking Facility, Surface/Structure

Tower *
Utility Service, Major

Sec. 106-214.3 Site Development Regulations

The following are general development standards for the HBD Highway Business District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: 7200 square feet
2. Frontage: 60 feet on a public street

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: 30 feet from street centerline
Side Yard: No Minimum
Rear Yard: No Minimum

2. Accessory Structures:

Front Yard: 30 feet from street centerline
Side Yard: No Minimum
Rear Yard: No Minimum

(C) Maximum Height of Structures

1. Principal Structures: 80 feet
2. Accessory Structures: Less than height of principal structure.

(D) Maximum Building Size:

1. Principal Structures: No Maximum
2. Accessory Structures: No Maximum

Sec. 106-216 BCD - Business Commerce District

Sec. 106-216.1 Statement of Intent

The BCD Business Commerce District is created as a flexible district to encourage the orderly development of commercial and light industrial uses. The district is designed to require high standards of building and site design, while allowing maximum flexibility in development standards. The Commission and Council must review all BCD proposals as an amendment to the zoning map pursuant to Sec. 106-520 of this ordinance.

Sec. 106-216.2 Permitted Uses

(A) The following uses are permitted by right in the BCD Business Commerce District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Manufactured Home, Emergency *
3. Civic Use Types
Administrative Services
Cultural Services
Guidance Services
Post Office
Public Parks and Recreation Areas
Safety Services
4. Office Use Types
Financial Institutions
General Offices
Laboratories
5. Commercial Use Types
Business or Trade School
Communication Services
Day Care Center *
Hotel/Motel/Motor Lodge

6. Industrial Use Types
Custom Manufacturing
Industry Type I

7. Miscellaneous Use Types
Utility Services Minor

(B) The following uses are permitted by special exception in the BCD Business Commerce District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)

2. Residential Use Types
(None)

3. Civic Use Types
(None)

4. Office Use Types
Medical Offices/Clinics

5. Commercial Use Types
Personal Services

6. Industrial Use Types

7. Miscellaneous Use Types
Aviation Facilities
Tower *
Utility Services, Major

Sec. 106-216.3 Site Development Regulations

Business Commerce District(BCD) site development regulations and requirements pertaining to minimum lot sizes, minimum lot frontages, minimum open space requirements, minimum setbacks, maximum lot coverage and maximum building heights shall be established by the council after review and recommendation of the planning commission.

Sec. 106-218 LM Light Manufacturing District

Sec. 106-218.1 Statement of Intent

The LM Light Manufacturing District is created to establish and preserve areas within the city that are suitable for business and light industrial uses. LM Light Manufacturing districts are the location of a significant portion of the city's employment base. The district allows a wide variety of industrial and warehouse uses and activities that occur primarily within enclosed structures, with minimal or no environmental impacts associated with smoke, odor, and noise.

Sec. 106-218.2 Permitted Uses

(A) The following uses are permitted by right in the LM Light Manufacturing District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Manufactured Home, Emergency *
3. Civic Use Types
Administrative Services
Public Maintenance and Service Facilities
Public Parks and Recreation Areas
Safety Services
4. Office Use Types
Financial Institutions
General Office
Laboratories
5. Commercial Use Types
Agricultural Services
Automotive Repair Services, Major
Business Support Services
Day Care Center *
Equipment Sales and Rental
Laundry

Manufactured Home Sales *
Personal Storage *
Truck Stop

6. Industrial Use Types
 - Custom Manufacturing
 - Construction Yard
 - Industry Type I
 - Recycling Centers
 - Transfer Station
 - Transportation Terminal
 - Truck Terminal
 - Warehousing and Distribution

7. Miscellaneous Use Types
 - Parking Facility, Surface/Structure
 - Utility Services, Minor

(B) The following uses are permitted by special exception in the LM Light Manufacturing District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
 - (None)
2. Residential Use Types
 - (None)
3. Civic Use Types
 - (None)
4. Office Use Types
 - (None)
5. Commercial Use Types
 - (None)
6. Industrial Use Types
 - Asphalt Plant *
 - Industry Type II
 - Landfill, Construction Debris
 - Landfill, Rubble
 - Landfill, Sanitary
 - Meat Packing and Related Industries

Railroad Facilities
Resource Extraction
Scrap and Salvage Services

7. Miscellaneous Use Types
 - Tower *
 - Utility Services, Major

Sec. 106-218.3 Site Development Regulations

The following are general development standards for the LM Light Manufacturing District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: No Minimum
2. Frontage: No Minimum

(B) Minimum Setback Requirements

1. Principal Structure:

Front Yard: No Minimum
Side Yard: No Minimum
Rear Yard: No Minimum

2. Accessory Structures:

Front Yard: No Minimum
Side Yard: No Minimum
Rear Yard: No Minimum

(C) Maximum Height of Structures

1. Principal Structures: 45 feet
2. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.

Sec. 106-220 HM Heavy Manufacturing District

Sec. 106-220.1 Statement of Intent

The HM Heavy Manufacturing District is created to establish and preserve areas within the city that are suitable for business and more intensive industrial uses. The district allows a wide variety of intensive industrial and warehouse uses. Manufacturing activities and uses within the district occur primarily within enclosed structures, but uses have significant outdoor storage needs.

Sec. 106-220.2 Permitted Uses

(A) The following uses are permitted by right in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
Manufactured Home, Emergency *
3. Civic Use Types
Administrative Services
Public Maintenance and Service Facilities
Public Parks and Recreation Areas
Safety Services
4. Office Use Types
Financial Institutions
General Office
Laboratories
5. Commercial Use Types
Automotive Repair Services, Major
Business Support Services
Day Care Center *
Equipment Sales and Rental
Laundry
Manufactured Home Sales *
Personal Storage *
Transportation Terminal

Truck Stop

6. Industrial Use Types

Asphalt Plant *
Construction Yard
Custom Manufacturing
Industry Type I
Industry Type II
Meat Packing and Related Industries
Railroad Facilities
Recycling Centers
Transfer Station
Truck Terminal
Warehousing and Distribution

7. Miscellaneous Use Types

Parking Facility, Surface/Structure
Utility Services, Major
Utility Services, Minor

(B) The following uses are permitted by special exception in the HM Heavy Manufacturing District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types

(None)

2. Residential Use Types

(None)

3. Civic Use Types

(None)

4. Office Use Types

(None)

5. Commercial Use Types

(None)

6. Industrial Use Types

Industry Type III
Landfill, Construction Debris
Landfill, Rubble
Landfill, Sanitary

Resource Extraction
Scrap and Salvage Services

7. Miscellaneous Use Types
Tower *

Sec. 106-220.3 Site Development Regulations

The following are general development standards for the HM Heavy Manufacturing District. For additional, modified or more stringent standards see Article III, Use and Design Standards.

(A) Minimum Lot Requirements

1. Area: No Minimum
2. Frontage: No Minimum

(B) Minimum Setback Requirements

1. Principal Structure:

- Front Yard: No Minimum
- Side Yard: No Minimum
- Rear Yard: No Minimum

2. Accessory Structures:

- Front Yard: No Minimum
- Side Yard: No Minimum
- Rear Yard: No Minimum

(C) Maximum Height of Structures

1. Principal Structures: 45 feet

2. Accessory Structures: The height of any accessory structure shall not exceed the height of the principal structure on the lot.

Sec. 106-222 Cluster Housing Overlay (COL)

Sec. 106-222.1 Statement of Intent

The Cluster Housing Overlay is created to encourage and allow flexibility in site design and lot arrangements for new single family residential development in the City of Salem. This overlay allows a reduction in minimum lot size and frontage requirements from those required in the underlying single family residential zoning district. All cluster lot size reductions must be compensated for by the provision of an equal or greater amount of open space within the cluster housing development.

Sec. 106-222.2 Permitted Location and Uses

(A) The Cluster Housing Overlay may be requested as a zoning overlay for any land within the City of Salem zoned RSF Residential Single Family

(B) Single family detached and attached dwellings shall be permitted within the Cluster Housing Overlay subject to the review and approval by the city council.

Sec. 106-222.3 Development Regulations

(A) Development regulations within Cluster Housing Overlay shall be as specified in the underlying zoning district, with the following exceptions:

1. Minimum Development Size: 2 acre
2. Maximum Density: 5 dwelling units per acre
3. Minimum Lot Size: 4500 square feet
4. Minimum Frontage: 40 feet
5. Minimum Setbacks:
 - Front Yard: 15 feet
 - Side Yard: 5 feet
 - Rear Yard: 10 feet

Front yards that are adjacent to an existing public street, shall have a setback as specified in the underlying zoning district.

Side and rear yards that are adjacent to existing residential development, shall have the side and rear setbacks as specified in the underlying zoning district.

6. Open Space: Minimum of 15% of development size, or one square foot of open space for each square foot of reduction in lot size below 9,000 square feet, whichever is greater.

7. Streets in a cluster housing overlay may be public in accordance with VDOT and city standards or may be private. In reviewing plans for the cluster development, the commission may recommend, and the council may approve, one or more private streets within the proposed cluster development.

Sec. 106-222.4 Approvals

Approval of a Cluster Housing Overlay shall be by special exception permit as defined by Sec. 106-524 and Sec. 106-600 of this ordinance.

Sec. 106-224 College and University District (CUD)

Sec. 106-224.1 Statement of Intent

The College and University District has been created in recognition that institutes of higher learning have unique land use characteristics. These institutions may typically involve classroom, office, laboratory, and residential areas, as well as areas devoted to culture, recreation and food service. The intermingling of these uses creates a campus environment. The College and University District allows great flexibility in development standards. New development is reviewed to insure that it is consistent with the public health, safety and welfare interests of citizens and that is compatible with the Salem Comprehensive Plan and surrounding and nearby land uses.

Sec. 106-224.2 Permitted Uses

(A) The following uses are permitted by right in the CUD College and University District, subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)
2. Residential Use Types
(None)
3. Civic Use Types
Educational Facilities, College/University *
4. Office Use Types
(None)
5. Commercial Use Types
(None)
6. Industrial Use Types
(None)
7. Miscellaneous Use Types
(None)

(B) The following uses are permitted by special exception in the CUD College and University District subject to all other applicable requirements contained in this ordinance. An asterisk (*) indicates that the use is subject to additional, modified or more stringent standards as listed in Article III, Use and Design Standards

1. Agricultural Use Types
(None)

2. Residential Use Types
(None)

3. Civic Use Types
(None)

4. Office Use Types
(None)

5. Commercial Use Types
(None)

6. Industrial Use Types
(None)

7. Miscellaneous Use Types
(None)

Sec. 106-224.3 Development Regulations

(A) Development Regulations for structures within College and University Districts shall be as defined in Sec. 106-306.5 of this ordinance.

Sec. 106-224.4 Approvals

Approval of new development within the College and University District shall be subject to the provisions and standards contained in Sec. 106-306.5 and Sec. 106-400 of this ordinance.

Sec. 106-226 Floodplain Overlay District (FOD)

Sec. 106-226.1 Statement Of Intent

(A) It is the intent of the Floodplain Overlay District to aid in providing safety and protection from flooding. More specifically, the standards contained in this district help to prevent the creation of health and safety hazards, the loss of property and life, , the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

1. Restricting the unwise use, development and occupancy of lands subject to inundation which may result in soil erosion, sedimentation and siltation, pollution of water resources, and general degradation of the natural and manmade environment;
2. Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and development, if unregulated, will cause unacceptable increases in flood heights, velocities and frequencies;
3. Restricting or prohibiting certain uses, activities and development from locating within areas subject to flooding;
4. Requiring all those uses, activities and developments that do occur in flood prone area to be protected and/or flood proofed against flooding and flood damage;
5. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards; and
6. Adequately providing for qualification and continuation of the City of Salem in the regular program of the national flood insurance program as administered by the Federal Emergency Management Agency.

Sec. 106-226.2 Definitions

(A) All definitions pertaining to the administration and enforcement of the Floodplain Overlay District are found in Article VI Definitions and Use Types.

Sec. 106-226.3 Administration And Applicability

(A) The provisions codified in this section shall apply to all lands within the jurisdiction of the City of Salem identified as being floodplain districts as stipulated in this section. No land shall be developed and no development and/or structure shall be located, related, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this district and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this ordinance.

Sec. 106-226.4 Establishment Of Floodplain Districts And Restrictions.

(A) Floodplain districts shall include all land subject to inundation by the waters of the 100-year flood. The source of this delineation shall be the flood insurance study for the City of Salem, as prepared by the Federal Insurance Administration-Federal Emergency Management Agency, dated October 18, 1995, or the most recent revision thereof. The designated floodplain districts and accompanying regulations shall be overlays to the existing underlying zoning districts as shown on the official zoning map, and as such the provisions for floodplain districts shall serve as a supplement to the underlying zoning district regulations. The physical boundaries of the floodplain districts are established as shown on the flood insurance rate map (FIRM) from the above-cited flood insurance study, which map is declared to be a part of this ordinance and which shall be kept on file in the office of the Building Official and the Clerk of Council. In the event of any conflict between the provisions of the overlaying floodplain districts and the underlying existing zoning regulations, the more restrictive provisions shall apply.

(B) The delineation of any floodplain district may be revised, amended and modified by the Council after Planning Commission and Council public hearings as required by Sec. 106 - 520 of this Code and, Sec. 15.2 - 2204 of the Code of Virginia, in compliance with the national flood insurance program, when there are changes through natural, man-made or other causes and/or changes are indicated by future detailed hydrologic and hydraulic studies. All such changes

are subject to the review and approval of the Federal Emergency Management Agency.

Initial interpretations of the boundaries of the floodplain districts shall be made by the building official. Should a dispute arise concerning the boundaries of any of the areas, the Board of Zoning appeals, in accordance with Sec. 106-528 shall make the necessary determination. Persons questioning or contesting the location of the flood boundary shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

(C) All applications for development in the floodplain district and all permits issued for the floodplain shall incorporate the following information.

1. For structures to be elevated, the elevation of the lowest floor (including basement).
2. For structures to be flood proofed (nonresidential only), the elevation to which the structure will be flood proofed.
3. The elevation of the 100-year flood.
4. Topographic information showing existing and proposed ground elevations.

Sec. 106-226.5 Development and Use by Special Exception

(A) All uses, activities, development, new construction and substantial improvements, including prefabricated buildings and manufactured homes, occurring within any floodplain district shall be undertaken only upon the issuance of a Special Exception Permit, in accordance with Sec. 106-524, and shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances, including the City of Salem's subdivision regulations. Prior to the issuance of any such permit, the Building Official shall require all applications to include compliance with all applicable state and federal laws.

Sec. 106-226.6 Development Regulations, All Districts.

(A) Generally. In any floodplain overlay district, the development and/or use of land (including new construction

and substantial improvements, placement of manufactured home and prefabricated buildings) shall be permitted in accordance with the regulations of the underlying district, provided that all such uses, activities and/or development shall be undertaken in strict compliance with flood proofing, elevation, anchorage and related provisions contained in the Virginia Uniform Statewide Building Code and all other applicable codes and ordinances, and shall be constructed with material and utility equipment resistant to flood damage, and be constructed by methods and practices that minimize flood damage.

The lowest floor elevation of any new residential structure constructed within a floodplain shall be at least one foot above base flood elevation. The lowest floor elevation of any new non-residential structure shall also be one foot above base flood elevation, unless such structure is floodproofed. No existing structure shall be modified, expanded, or enlarged unless the new construction complies with this standard.

(B) Electrical and plumbing improvements. All electrical water heaters, electric furnaces, other critical electrical installations and all other electrical, heating, ventilation, plumbing and air condition equipment shall be permitted only at elevations at or above the level of the 100-year flood in all floodplain districts, or shall be so designed or located such that waters from the base flood cannot enter or accumulate within any components.

(C) Telephone utilities. All telephone utilities to be placed in any floodplain district shall be located and constructed to minimize the chance of impairment during a flood, including being elevated above the level of the 100-year flood whenever possible.

(D) Water, sewer, gas, oil facilities. New and replacement water supply systems, sanitary sewage systems including pumping stations and collector systems, and gas and oil supply systems shall be designed and located to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters in all floodplain districts.

(E) Streets and sidewalks. Streets and sidewalks in all floodplain districts shall be designed to minimize their potential for increasing and aggravating the levels of

flood flow. Drainage openings shall be required to minimize flood flows without significantly increasing flood heights or established elevations identified floodplain districts.

(F) Drainage. Adequate drainage shall be provided to minimize exposure to flood hazards in all floodplain districts and be designed to convey the flow of surface waters without damage to persons or property. The system shall ensure drainage away from buildings, onsite waste disposal sites and septic tank facilities with subsurface disposal fields. The city may requires a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, regional and state drainage plans and requirements. All facilities shall be designed to prevent the discharge of runoff onto adjacent properties.

(G) Land subdivisions and new developments. The preliminary subdivision plat requirements contained in the Salem subdivision ordinance shall include a map showing the location of the proposed subdivision and/or land development with respect to any designated flood, including information on but not limited to, the 100-year flood elevations, boundaries of the floodplain districts, proposed lots and sites, fills and flood or erosion protective facilities. Proposals for any other new development shall also include base flood elevation data and location of any floodplain districts. Subdivision proposals and other proposed new development, including manufactured home parks and subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage within the flood prone area;
2. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

(H) Manufactured homes. All manufactured homes to be placed or substantially improved within any floodplain district shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with the provisions of the Virginia Uniform Statewide Building Code. The provision shall apply to subdivisions and lots where an existing manufactured home is replaced, any expansion to an existing park or subdivision, an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, and to new parks, subdivisions and installation constructed after the effective date of the initial floodplain regulations.

(I) Recreational vehicles. Recreational vehicles placed on sites shall either:

1. Be on the site for fewer than 180 consecutive days; and,
2. Be fully licensed and ready for highway use; or
3. Meet the permit requirements for placement in the elevation and anchoring requirements for manufactured homes in accordance with the provisions of this ordinance.

(J) Area below lowest floor. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings, having a total net area of not less than one square.

Sec. 106-226.7 Development Restrictions, Floodway

(A) Generally. Under no circumstances shall any use, activity, stream bed alteration or relocation, new construction, substantial improvements and/or development adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch or any other drainage facility or system. In floodways, no encroachments, fill,

new construction, substantial improvements or other development shall be permitted, except where the effect of such development (as may be permitted in accordance with the regulations of the underlying zoning district) on flood heights is fully offset by accompanying improvements which have been approved by appropriate local, state and/or federal authorities as required by law (i.e., no proposed use, development or activity shall be permitted within the floodway which would cause any increase in flood levels during the 100-year flood).

(B) Alternation and relocation of floodway and channel. Prior to any proposed alteration or relocation of any channels or floodways of any watercourse, stream, etc., within the City of Salem, approval shall be obtained from the U.S. Corps of Engineers, the State Water Control Board and the State Marine Resources Commission. Furthermore, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Department of Conservation and Recreation, (Division of Soil and Water Conservation) and the Federal Insurance Administration.

(C) Manufactured homes. The placement of any manufactured home within any floodway is strictly prohibited except in an existing manufactured home park or existing manufactured home subdivision.

Manufactured homes that are not subject to the provisions of this ordinance shall be elevated so that either: (1) the lowest floor of the manufactured home is at least one foot above the base flood elevation; or (2) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system o resist flotation, collapse and lateral movement.

Sec. 106-226.8 Existing Structures and Vacant Land

(A) A structure or use of a structure or premises which lawfully existed before the enactment of this ordinance but which is not in conformity with the provisions of in this section may be continued in accordance with the provisions of this ordinance. In addition, such structure or use shall be subject to the following additional requirements:

1. Existing structures and/or uses located in floodways shall not be expanded or enlarged, unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying improvements.

2. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain overlay district, to an extent or amount of less than 50 percent of its market value, shall be elevated and/or flood proofed to the greatest extent possible.

3. The owner and/or agents of any existing structure and/or use located in any flood plain overlay districts shall fully disclose in writing to all prospective interested parties including, but not limited to, purchasers and renters that (1) the land and/or structures are located in flood prone areas, and (2) whether any variances have been granted for certain structures located in flood prone areas.

Sec. 106-226.9. VARIANCES.

(A) The Board of Zoning Appeals, in accordance with Sec. 106-528, may consider petitions for variance(s) from the provisions of this ordinance; provided, however, that all relevant factors pertaining to the danger to life and property caused by increased flood levels and velocities due to encroachments are thoroughly examined. In considering applications for variances, the Board shall consider the following factors:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.

2. The danger that materials may be swept onto other lands or downstream to the injury of others.

3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.

5. The important of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location and a location within a floodplain district.
7. The availability of alternate locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development anticipated in the foreseeable future.
9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
10. The safety access to the property by ordinary and emergency vehicles in times of flood.
11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site.
12. Such other factors which are relevant to the purposes of this division.

(B) No variance shall be granted for any proposed use, development or activity within any floodway district, except in full compliance with all of the following requirements:

1. The variance will not cause any increase in flood levels during the 100-year flood. (Appropriate documentation from a registered engineer must be submitted which substantiates the impact on flood heights, velocities and flows through hydrologic and hydraulic analyses and calculations.) If the variance involves any alterations or relations to a floodway or its channel, such alterations or relocations shall also be approved as required by law.

(C) The Board of Zoning Appeals shall notify the applicant for a variance(s) in writing that the issuance of a variance(s) to construct a structure below the 100-year flood elevation:

1. Increases the risks to life and property; and

2. Will result in increased premium rates for flood insurance.

(A) A record of the notification, as well as all variance actions, including justification for their issuance, shall be maintained, and any variances which are issued shall be noted in the annual report submitted as required by law.

(B) Variances may be issued for the reconstruction, rehabilitation or restoration of structure listed on the National Register of Historic Places or the state landmarks register without regard to the procedures set forth in this section.

(C) Requirements for granting a variance within the floodplain shall be as follows:

1. The failure to grant the variance would result in exceptional hardship to the applicant;
2. The variance will be the minimum relief to any hardship; and
3. The granting of such variance will not result in:
 - a. Unacceptable or prohibited increases in flood heights;
 - b. Additional threats to public safety;
 - c. Nuisances;
 - d. Fraud or victimization of the public; or
 - e. Conflicts with local laws or ordinances.
4. The applicant has shown a good and sufficient cause to justify the variance.

Sec. 106-226.10 Municipal Liability

(A) The degrees of flood protection sought by the provisions of this division is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings

restricted by debris. These provisions do not imply that areas outside the floodplain districts, or that land uses permitted within such districts, will be free from flooding or flood damages.

(B) The provisions of this division shall not create liability on the part of the city or any office or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made thereunder.

Sec.106-228 Planned Unit District

Sec. 106-228.1 Statement of Intent.

(A) The intent of the Planned Unit District (PUD) is to encourage maximum flexibility in the design and development of land. PUD developments facilitate the adequate and economical provision of streets, utilities and other improvements, and allow for the management of the natural and scenic qualities of vacant land that is proposed for development. The PUD district allows a variety of housing options, as well as commercial, civic and office use types of a number and scale sufficient to serve the needs of the PUD residents.

Sec. 106-228.2 Permitted Uses

(A) Applications for planned unit districts may propose any residential, civic, and/or commercial use type as part of a planned unit district. All land uses proposed shall be shown on the preliminary and final master plans. as required by this ordinance.

(B) All use types proposed shall be reviewed by the Commission and Council pursuant to the provisions of this ordinance. No use type may be allowed within the planned unit district unless approved by Council as part of the final master plan.

Sec.106-228.3 Development Regulations

(A) Each planned unit development shall be subject to the following development standards.

1. Maximum gross density: Maximum gross density allowable in the planned unit district shall be established by Council by approval of the final master plan.
2. Minimum common open space and/or recreational areas: 15 percent of the gross area of the planned unit district.
3. Criteria for all required open space:
 - a. Minimum countable open space: 5,000 contiguous square feet

b. Minimum horizontal dimension: 50 feet, except that areas with a horizontal distance of not less than 20 feet shall be counted as open space provided such areas contain facilities such as, but not limited to, bikeways, exercise trails, tot lots, gazebos, picnic tables, etc.

c. Common open space shall not include proposed street rights-of-way, open parking areas, or driveways.

d. All common open space and/or recreational areas shall be of an appropriate nature and location to serve the residents of the planned unit district.

4. The maximum area devoted to civic, office and commercial use types shall be established by Council by approval of the final master plan.

a. Commercial and office uses types shall be located, and shall be of a scale and location suitable to serve the needs of the residents of the planned unit district convenience.

b. Commercial, office, and civic use types shall be screened and landscaped so as to be compatible with adjoining residences.

c. Construction of commercial, office and civic use types shall not begin until 20 percent of the residential units of the total planned unit district have been completed.

5. Minimum setback requirements shall be specifically established during the review and approval of the preliminary and final master plans. The following guidelines shall be used in establishing the building spacing and setbacks:

a. Building spacing shall provide privacy within each dwelling unit;

b. Building spacing shall ensure that each room has adequate light and air;

c. Areas between buildings used as service yards, storage of trash, or other utilitarian purposes should be designed so as to be compatible with adjoining dwellings;

d. Building spacing and design shall provide privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units.

6. Streets in the planned unit district may be public in accordance with VDOT and city standards or may be private. In reviewing the planned unit development preliminary master plan, the commission may recommend, and the Council may approve, one or more private streets within the proposed district

Sec. 106-228.4 Application Process.

(A) Prior to submitting a formal application for review and approval under these provisions, the applicant shall meet with city staff to discuss the requirements of the planned unit district. The purpose of the meeting is to obtain a mutual understanding of the application requirements and process. The applicant is encouraged to submit information on the scope and nature of the proposal to allow staff to become familiar with the proposal in advance of this meeting.

(B) Any application to rezone land to the PUD designation, shall constitute an amendment to the zoning ordinance. The written and graphic information submitted by the applicant as part of the application process shall constitute conditional zoning proffers. Once the Council has approved the final master plan, all accepted proffers shall constitute conditions pursuant to the provisions of this ordinance.

(C) To initiate an amendment, the applicant shall complete a rezoning application. This information shall be accompanied by graphic and written information, which shall constitute a preliminary master plan. All information submitted shall be of sufficient clarity and scale to clearly and accurately identify the location, nature, and character of the proposed district. At a minimum this information shall include:

1. A legal description and plat showing the site boundaries, and existing street lines, lot lines, and easements.
2. Existing zoning, land use and ownership of each parcel proposed for the district.
3. A general statement of planning objectives to be achieved by the PUD district, including a description of the character of the proposed development, the existing and proposed ownership of the site, the market for which the development is oriented, and objectives towards any specific manmade and natural characteristics located on the site.
4. A description and analysis of existing site conditions, including information on topography, natural water courses, floodplains, unique natural features, tree cover areas, etc.
5. A land use plan designating specific use types for the site, both residential and non-residential use types, and establishing site development regulations, including setback, height, building coverage, lot coverage, and density requirements.
6. A circulation plan, including location of existing and proposed vehicular, pedestrian, bicycle, and other circulation facilities and location and general design of parking and loading facilities. General information on the trip generation, ownership and maintenance and proposed construction standards for these facilities should be included. A traffic impact analysis may be required by the administrator.
7. A public services and utilities plan providing requirements for and provision of all utilities, sewers, and other facilities to serve the site.
8. An open space plan, including areas proposed for passive and active recreational uses, natural and undisturbed areas, and proposed buffer areas proposed around the perimeter of the site. Information on the specific design and location of these areas and their ownership and maintenance should be included.

9. Generalized statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.

10. A development schedule indicating the location, extent and sequence of proposed development. Specific information on development of the open space, recreational areas, and non-residential uses should be included.

(D) The completed rezoning application and supporting preliminary master plan materials shall be submitted to the planning commission for review and analysis. The commission shall review this information and make a report of its findings to the Council. The commission shall as part of its review hold a public hearing pursuant to Sec. 15.2-2204 of the Code of Virginia, as amended.

(E) The commission shall make a report of its findings to the Council within 90 days of the receipt of the materials, unless the applicant requests, or agrees to an extension of this time frame. The commission's report shall recommend approval, approval with modifications, or disapproval of the preliminary master plan. Failure of the commission to make a report of its findings to the Council within this period shall constitute a commission recommendation of approval.

(F) If the commission recommends denial of the preliminary master plan, or approval with modification, the applicant shall, if requested, have 60 days to make any modifications. If the applicant desires to make any modifications to the preliminary master plan, the council's review and action shall be delayed until such changes are made and submitted for review.

(G) The Council shall review the preliminary master plan, and act to approve or deny the plan within 90 days. Approval of the preliminary master plan shall constitute acceptance of the plan's provisions and concepts as proffers pursuant to the provisions of this ordinance. The plan approved by the Council shall constitute the final master plan for the PUD.

Sec. 106-228.5 Revisions to Final Master Plan.

(A) Major revisions to the final master plan shall be reviewed and approved following the procedures and requirements for zoning map amendments contained in Sec. 106-520 of this ordinance. Major revisions include, but are not limited to changes such as:

1. Any increase in the density of the development;
2. Substantial change in circulation or access;
3. Substantial change in the mixture of dwelling unit types included in the project;
4. Substantial changes in the mixture of land uses or an increase in the amount of land devoted to non-residential purposes;
5. Reduction in the approved open space, landscaping or buffering;
6. Substantial change in architectural or site design features of the development;
7. Any other change that the administrator finds is a major divergence from the approved final master plan

(B) All other changes in the final master plan shall be considered minor amendments. The administrator, upon receipt of a written request of the owner, may approve such minor amendments.

1. A request which is disapproved by the administrator shall be considered a major amendment and shall be subject to the approval process outlined above for such amendments.

Sec. 106-228.6 Approval of Preliminary and Final Site Development Plans.

(A) Following the approval of the final master plan, the applicant or its authorized agent, shall be required to submit preliminary and final site plans for approval.

(B) It is the intent of this section that subdivision review under the subdivision regulations be carried out

simultaneously with the review of a PUD under this section. The plans required under this section shall be submitted in a form which will satisfy the requirements of the subdivision regulations, as determined by the administrator.

(C) Preliminary and final site plans submitted for review shall in compliance with the final master plan approved by the Council. The city shall review and approve or disapprove any final site plan within 60 days of its submittal.

(D) No PUD shall be approved and no work shall be authorized on construction until all property included in the Final Master Plan is in common ownership.

Sec. 106-228.7 Failure to Begin Development.

(A) Failure of the applicant or agent to submit a preliminary site plan for at least one portion of the PUD within five (5) years of the approval of the final master plan, shall constitute an application on the part of applicant to rezone the land included within the PUD to the zoning district or districts applicable to the land prior to the approval of the PUD.

ARTICLE III Use And Design Standards

Sec. 106-300 Use and Design Standards

(A) The standards contained in Article II District Regulations shall apply to all of the following use types, unless specifically modified and/or superceded by the use and design standards in this article.

(B) The standards listed as general standards shall apply in all zoning districts in which the use type is permitted, either by right or by-special use.

(C) Where a specific zoning district is indicated, the use and design standards listed in this article shall apply to that zoning district, and shall be in addition to any general standard for that use.

Sec. 106-302 Agricultural Uses

Sec. 106-302.1 Agriculture

(A) General standards:

1. Commercial uses such as gift shops and restaurants associated with viticulture operations shall only be allowed by special exception permit.

Sec. 106-302.3 Farm Stand

(A) General standards:

1. At least 50 percent of the products offered for sale at the farm stand shall be produced on the site of the stand or on contiguous property.

2. Ingress and egress to the site of the farm stand shall be clearly delineated, and the location and design of such shall be approved by the City of Salem.

Sec. 106-302.5 Stable

(A) General Standards:

None

(B) Stables shall comply with the following standards in RSF districts:

1. Minimum lot size: 2 acres
2. On lots less than 5 acres no more than one stable animal per acre shall be permitted.
3. Corrals shall comply with setback requirements for accessory structures.
4. Stables shall manage animal waste so as not to create a nuisance or health hazard to adjoining or nearby properties.

Sec. 106-304 Residential Uses

Sec. 106-304.1 Accessory Apartment

(A) General Standards:

1. An accessory apartment shall only be considered accessory to a detached single family dwelling.
2. At the completion of construction, no accessory apartment shall contain more than 40 percent of the finished floor area of the principal dwelling.
3. No accessory apartment shall contain less than 300 square feet of finished floor area, or more than 1000 square feet of finished floor area.
4. Only one accessory apartment shall be allowed per lot or per principal dwelling.
5. The owner of the principal dwelling shall reside on the property and the accessory apartment shall only be occupied by a family member of the owner of the principal dwelling.
6. No separate utility services shall be allowed for the accessory apartment.

Sec. 106-304.3 Family Day Care Home

(A) General Standards:

1. All family day care homes shall comply with the Minimum Standards for Family Day Care Homes established by the Virginia Department of Social Services, as may be amended.

Sec. 106-304.5 Home Occupations

(A) Intent: These standards for home occupations are established in recognition that certain small scale business activities may be appropriate as an accessory use to a residential dwelling. The character and scale of the business activity must be clearly minor and subordinate to the principal use of the property as a residence.

(B) General Standards:

1. All home occupations shall be operated by the resident occupants of the dwelling that is the location of the home occupation.

2. Only residents of the dwelling shall be engaged in the home occupation activity. No other employees shall be allowed at the site of the home occupation.

3. No dwelling used for a home occupation shall be altered or used in any manner that would cause the dwelling to differ in character from a residential use.

4. No retail or wholesale sales shall be permitted as part of any home occupation.

5. Lessons in the fine arts(dance, music, art), or tutoring shall be allowed as a home occupation provided the total number of students shall not exceed five per day.

6. The care of up to a maximum of five individuals (not including provider's own children and any children who reside in the home), or the tutoring of up to five individuals shall be permitted as a home occupation.

7. No signage shall be allowed. No advertising associated with the home occupation shall direct clients to the location of the home occupation.

8. The home occupation shall not require the use or storage of hazardous or toxic materials and no such material shall be associated with the home occupation.

9. There shall be no external storage of equipment or materials associated with the home occupation, and there shall be no external evidence of the existence of the home occupation on the property. One vehicle associated with the home occupation shall be allowed, provided the vehicle is of a type and scale otherwise permitted by this ordinance.

10. The volume and characteristics of traffic associated with the home occupation shall be consistent with the volume and characteristic of traffic associated with dwellings in the general area.

11. The home occupation shall not involve the commercial delivery of materials or products to or from the premises. Incidental deliveries common to residential dwellings shall be permitted.

12. More than one home occupation may be located within a single dwelling provided the level of activity associated with all of the home occupations, when considered together, does not violate any of these general standards.

(C) Application Process:

1. The administrator shall be responsible for reviewing all applications for home occupations.

2. Applicants for home occupations shall complete a home occupation application and in doing so shall indicate compliance with the intent of these regulations and the general standards contained herein.

3. If the administrator believes that a proposed home occupation will comply with the intent and general standards contained herein, the application for the home occupation shall be approved.

4. If the administrator believes that a proposed home occupation will not comply with the intent and general standards contained herein, the administrator shall notify the applicant of the changes necessary to achieve compliance with these provisions. If the applicant disagrees with the opinion of the administrator, the

administrator may, and at the request of the applicant shall, refer the application to the Commission and Council which shall review the application as a special exception pursuant to the provisions of this ordinance.

(D). Renewals:

1. All approved home occupations shall be granted for a period of 12 months. Applicants shall be responsible for requesting a renewal of any approved home occupation.

2. Except as provided below, the administrator shall review all renewal requests, and shall approve all requests that are consistent with these standards. The administrator may approve renewals of home occupations approved by Council, provided the home occupation has not changed in character or scale from that approved by Council, and is being operated in accordance with these provisions.

3. If a home occupation is operated in violation of these standards at any time during any twelve month period, the administrator shall not have the authority to renew the application and shall refer the application to the Commission and Council which shall review the application as a special exception pursuant to the provisions of this ordinance.

(E) Enforcement:

1. The administrator shall have the authority to require compliance with these provisions. When, in the opinion of the administrator , an operator of a home occupation violates the home occupation standards contained herein, the administrator shall require compliance pursuant to the procedures contained in Sec. 106 - 514

Sec. 106-304.7 Manufactured Home, Emergency

(A) These regulations are adopted in recognition that temporary emergency housing options may be necessitated by fire, flood, or other unforeseen and sudden acts of nature.

(B) General Standards:

1. The City Council may authorize the emergency use of a manufactured home on a lot if the building official certifies that the permanent dwelling on the lot has been lost or destroyed by a fire, flood, or other unforeseen and sudden acts of nature, and as a result is uninhabitable.
2. Only one emergency manufactured home shall be permitted on a lot of record. It shall be located on the same lot as the destroyed dwelling, and must be occupied only by the person or family whose dwelling was destroyed.
3. The emergency manufactured home shall meet all setback and yard requirements for the district in which it is located. It shall be anchored and stabilized in accordance with applicable building code provisions.
4. The emergency manufactured home must be removed as soon as reconstruction or replacement of the uninhabitable dwelling is complete, or within a twelve month period of its placement on the site, whichever is sooner. A one time extension of up to six additional months may be granted by the City Council if substantial reconstruction of the destroyed dwelling has occurred and work has, and is continuing to progress. No final certificate of occupancy for the reconstructed dwelling shall be issued until the emergency manufactured home is removed from the site.

(C) Where the President of the United States has declared a federal disaster, the City Council may authorize the placement of temporary manufactured homes supplied by the Federal Emergency Management Agency (FEMA) to disaster victims who lost their homes. In such cases all local zoning and building code requirements shall be waived in favor of FEMA standards.

Sec. 106-304.9 Manufactured Home Park

(A) Approval Process:

1. Manufactured home parks shall only be allowed in Manufactured Home Park Districts (MHP).

2. Applicants wishing to develop a new manufactured home park or expand an existing park shall request an amendment to the official zoning map pursuant to the provisions of this ordinance. All requests for MHP districts shall be considered conditional rezoning requests.

3. If council approves a new or expanded MHP district the applicant shall submit a site plan in accordance with Sec.106-400 of this ordinance. The submitted site plan shall be approved by the city prior to commencing development of the park.

(B) General Standards:

1. The minimum lot size for any new or expanding park shall be 10 acres.

2. Any new or expanding park shall have a minimum of 50 feet of frontage on a public street.

3. Any new or expanding park shall have a minimum lot width of 50 feet at the adjacent public street, and any portion of the park devoted to the placement of manufactured homes shall have a minimum lot width of 100 feet.

4. Public water and sewer service shall be provided to all residential lots and accessory uses within any new or expanding manufactured home park.

5. No portion of any new or expanded manufactured home park shall be located within any Floodplain Overlay District.

(C) Density and Individual Lot Requirements:

1. The maximum density of any new or expanding park shall be 10 manufactured home units per acre.

2. New individual lots devoted to the placement of manufactured homes shall have a minimum area of 3,000 square feet and a minimum width of 30 feet.

3. Each manufactured home lot shall have a pad constructed for the placement of the manufactured home. Each pad constructed shall be located to allow the placement of a

manufactured home in full compliance with the area, lot and setback requirements contained herein.

4. Each manufactured home shall be anchored to the pad in accordance with applicable building code requirements

5. Each manufactured home shall be skirted with a durable material within 30 days of placement of the manufactured home on the site.

(D) Setback Requirements:

Manufactured homes on new individual lots within any new or expanded manufactured home park shall comply with the following minimum requirements:

1. Front Yard: 20 feet from any street or driveway interior to the park; 30 feet from any perimeter street or driveway.

2. Side Yard: 5 feet

3. Rear Yards: 10 feet

(E) Open Space and Recreational Areas

1. Any new or expanded manufactured home park shall devote a minimum of 10 percent of the area of the park to recreational and open space uses.

2. Areas of the park devoted to individual lots, streets, driveways, parking areas, and/or office or laundry facilities shall not be counted as open space or recreation areas.

3. Open space and recreation areas may be passive or active. No area shall have a contiguous size of less than 5,000 square feet. The location and character of open space and recreation areas should be appropriate to meet the needs of park residents and shall include such facilities as recreation centers, swimming pools, athletic courts, bikeways, walking trails, picnic areas, tot lots and other similar facilities.

(F) Management Offices and Resident Services Facilities:

1. An office area devoted solely to the management of the park shall be allowed within the park.
2. A convenience store, located within the building occupied by the management office, and designed to serve only the daily needs of the park residents may be located within the park. No signage associated with this use shall be allowed on the outside of this building, or be visible from any property or road outside the park.
3. Management provided laundry and storage facilities shall be allowed within the park, provided these facilities are designed and located to primarily serve the needs of park residents. These facilities may be located within the management office building, or may be located elsewhere in the park.

(G) Streets and Parking:

1. Private streets and driveways shall be allowed within the manufactured home park. All private streets and driveways shall be paved.
2. Each manufactured home shall be provided a minimum of two parking spaces. These spaces may be located on the individual manufactured home lots, or may be located within common parking areas that are in a location convenient to the individual lots. The surface material of all parking areas shall be established by the city as part of the approval of the MHP District
3. In addition to the above, parking spaces shall be provided for the management office and all resident services facilities.

(H) Status of Existing Parks:

1. In manufactured home parks established prior to the adoption of these provisions, individual manufactured homes on existing lots may be removed and replaced, provided the replacement home is located in approximately the same location as the home removed.

Sec. 106-304.11 Multi-Family Dwellings

(A) Intent: The following minimum standards are intended to create a safe and healthy multi-family living environment. Setback and density regulations have been established to insure an adequate separation between buildings.

(B) General Standards:

1. Applicants for multi-family developments shall submit a site plan in accordance with Sec. 106-400 of this ordinance. The submitted site plan shall be approved by the city prior to commencing development of the site.

2. The following minimum lot areas shall be required for all multi-family dwelling units. The listed square footage requirements shall be in addition to a base minimum lot area of 7200 square feet.

Number of Bedrooms in Unit	Square Feet Required
Efficiency	1,500
One Bedroom	2,000
Two Bedroom	2,500
Three Bedrooms	3,000
Four or more Bedrooms	3,500

For the purposes of calculating minimum lot area requirements, any room, other than a living room, dining room or area, kitchen or bathroom, that could be used for sleeping purposes shall be counted as a bedroom.

3. All multi-family dwellings shall be served by public water and sewer.

(C) Additional standards in RMF and RB Districts:

1. A minimum 40 foot separation shall be provided between buildings containing multi-family dwellings. This minimum separation may be reduced to 20 feet if both facing walls contain no windows, doors or balconies, or the corners of adjacent buildings are at right angles to one another.

2. Any new or expanded multi-family use containing over 20 units shall devote a minimum of 10 percent of the area of the development to recreational and open space uses.

3. Open space and recreation areas may be passive or active. The location and character of open space and recreation areas should be appropriate to meet the needs of residents and shall include such facilities as recreation centers, swimming pools, athletic courts, bikeways, walking trails, picnic areas, tot lots and other similar facilities.

(D) Additional standards in DBD and TBD Districts:

1. The multi-family use shall be allowed only in the same structure as an office or commercial use type.
2. The office or commercial use type must occupy at least 50 percent of the gross floor area of the structure
3. Multi-family units on the first floor shall be permitted provided that no such unit shall have frontage on Main Street, Broad Street, Market Street, Academy Street, Union Street, or College Avenue.

Sec. 106-304.13 Single Family Dwelling, Attached

(A) Standards in DBD and TBD Districts:

1. The attached single family dwellings shall be allowed only in the same structure as an office or commercial use type.
2. The office or commercial use type must occupy at least 50 percent of the gross floor area of the structure
3. Attached single family dwellings on the first floor shall be permitted provided that no such units shall have frontage on Main Street, Broad Street, Market Street, Academy Street, Union Street, or College Avenue.

Sec. 106-304.15 Single Family Dwelling, Detached

(A) Standards in DBD and TBD Districts:

1. The detached single family dwelling shall be allowed only in the same structure as an office or commercial use type.
2. The office or commercial use type must occupy at least 50 percent of the gross floor area of the structure

3. Detached single family dwellings on the first floor shall be permitted provided that no such units shall have frontage on Main Street, Broad Street, Market Street, Academy Street, Union Street, or College Avenue.

Sec. 106-304.17 Townhouse

(A) Intent: The following minimum standards are established in recognition that common-wall single family dwellings on individual lots of record are a viable housing alternative to conventional detached single-family dwellings. These standards are intended to allow flexibility in unit arrangements, unit size and yard space, thereby allowing the creation of efficient and economical housing arrangements.

(B) General Standards:

1. Applicants for townhouse developments shall submit a site plan in accordance with Sec. 106-400 of this ordinance. The submitted site plan shall be approved by the city prior to commencing development of the site. A final subdivision plat pursuant to the provisions of the Salem Subdivision Ordinance shall be approved prior to the sale of any townhouse lot.

2. The minimum development size for any townhouse development shall be 15,000 square feet. The maximum density of any townhouse development shall be 10 dwelling units per acre.

3. All townhouse developments shall be served by public water and sewer.

4. Contiguous townhouse groupings shall contain a minimum of three units and a maximum of twelve units.

5. The facades of contiguous townhouses shall be varied by staggered front yards and variations in design and materials. No more than four abutting townhouses shall have the same front yard setback and the same architectural treatment of facades and roof lines. The front yard stagger, when required, shall be a minimum of two feet.

6. There shall be no minimum lot size for individual townhouse lots. However, each townhouse lot shall be of

sufficient size and dimension to comply with the unit width and yard requirements of this section.

7. The minimum lot/unit width for any townhouse shall be sixteen feet.

8. The minimum front yard setback, for any townhouse fronting on a public street shall be as specified in Article II, District Regulations.

9. When practical, all townhouses shall be arranged such that only the front or side of any unit shall face a public street. If site characteristics require that the backs of townhouses face a public street, then vegetative screening and shall be required per the provisions of this ordinance. Such vegetative screening shall not be located in the required rear yard of any townhouse unit.

10. The minimum front yard setback for any townhouse unit fronting on any private drive, parking area, walkway or open space area intended for the common use of townhouse occupants shall be a minimum of fifteen feet.

11. In addition to any buffer yard requirements as specified in Sec. 106-402 of this ordinance, the minimum side yard for any contiguous townhouse grouping adjacent to property outside the townhouse development shall be twenty-five feet. Where a grouping of townhouses adjoin a private drive, parking area or walkway intended for the common use of the townhouse occupants, a side yard of not less than ten feet shall be provided.

12. There shall be a minimum rear yard of twenty-five feet for any townhouse unit.

13. A minimum 40 foot separation shall be provided between groupings of townhouse units. This minimum separation may be reduced to 20 feet if both facing walls contain no windows, doors or balconies, or the corners of adjacent buildings are at right angles to one another.

14. No required townhouse yard shall contain any parking area, driveway, or parking easement. Required yards shall be free of all physical improvements except for the following:

- a. Pedestrian walkways and sidewalks.

b. Privacy fences in rear yards.

c. Accessory buildings in rear yards. No accessory building shall exceed 100 square feet in size.

15. The maximum height of any townhouse unit shall be three stories or 45 feet.

16. A homeowner's association shall be created for each townhouse development. The homeowner's association shall be responsible for the perpetual maintenance of all open space and common areas within the townhouse development.

Sec. 106-304.19 Two Family Dwelling

(A) Standards in DBD and TBD Districts:

1. The two family dwelling shall be allowed only in the same structure as an office or commercial use type.

2. The office or commercial use type must occupy at least 50 percent of the gross floor area of the structure

3. Two family dwellings on the first floor shall be permitted provided that no such units shall have frontage on Main Street, Broad Street, Market Street, Academy Street, Union Street, or College Avenue.

Sec. 106-306 Civic Uses

Sec. 106-306.1 Cemetery

(A) General Standards:

1. Minimum Parcel Size: 5 acres

2. No internment shall occur within 25 feet of the property line.

Sec. 106-306.3 Community Recreation

(A) Any outdoor activity area, swimming pool or ball field or court that adjoins a residential use type shall be landscaped with one row of small evergreen trees in accordance with Sec. 106-402 of this ordinance.

Sec. 106-306.5 Educational Facilities, College and University

(A) General Standards:

1. A site plan as required by this ordinance shall be submitted and approved prior to the commencement of any new construction or enlargement of an educational facility. The administrator may waive this site plan requirement if the total increase in the impervious area resulting from this construction or enlargement is less than three thousand square feet.

2. Screening and buffering for educational facilities shall be provided as required by the provisions found in Sec. 106-402 of this ordinance.

(B). Standards in the CUD District:

1. Educational facility buildings shall be setback a minimum of thirty feet from any street, and shall be setback a minimum of 10 feet from adjoining property lines.

2. Educational facility buildings shall have a maximum height of forty-five feet. However, this maximum height may be increased up to a maximum height of seventy feet provided the minimum setback of the building is increased by one foot for each foot of additional height above forty-five feet.

Sec. 106-308 Office Uses

Sec. 106-310 Commercial Uses

Sec. 106-310.1 Automobile Dealership, New

(A) General standards:

1. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required by Sec. 106-404 of this ordinance.

2. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 106-402 of this ordinance.

3. The storage and/or display of motor vehicles in the perimeter landscaping strip shall be prohibited.

4. Exterior display or storage of new or used automobile parts is prohibited.

Sec. 106-310.3 Automobile Dealership, Used

(A) General standards:

1. Outdoor display areas in conjunction with automobile sales shall be constructed of the same materials required for off-street parking areas as required by Sec 106-404 of this ordinance.

2. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 106-402 of this ordinance.

3. The storage and/or display of motor vehicles in the perimeter landscaping strip shall be prohibited.

4. Exterior display or storage of new or used automobile parts is prohibited.

5. Any vehicle which is missing major mechanical or body parts or have been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least 100 feet from any adjoining residential district.

Sec. 106-310.5 Automobile Repair Services, Major

(A) General standards:

1. All vehicles stored on the premises in excess of 72 hours shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least 100 feet from any adjoining residential district.

Sec. 106-310.7 Day Care Center

(A) General Standards:

1. All day care centers shall comply with the Minimum Standards for Day Care Centers established by the Virginia Department of Social Services, as may be amended, unless specifically exempt from those minimum standards.
2. Parking areas and access driveways at all day care centers shall be designed to allow for the easy and safe drop off and pick up of center attendees. No day care center shall be allowed that causes congestion, or the disruption of traffic flow on adjacent or nearby streets
3. The administrator shall have the authority to require a special exception permit for any day care center, that due to its location and/or parking lot or access driveway design, has the potential to result in congestion, or the disruption of traffic flow on adjacent or nearby streets.

Sec. 106-310.9 Homestay Inn

(A) General standards:

1. The owner or owner's family shall reside on the same parcel occupied by the Homestay Inn.

(B) Additional standards in AG, RMF, and RB districts:

1. No more than five guest sleeping rooms shall be utilized for a Homestay Inn. The maximum number of guest occupants at any one time shall not exceed 20 guests.
2. Any building erected, enlarged or modified to accommodate a Homestay Inn shall maintain the appearance of a residence. No rooms shall have direct entrance or exit to the outside of the building, except that emergency exits when required by the fire marshal may be provided for emergency purposes only.
3. Guests may stay no more than 30 consecutive nights in any one calendar year.
4. Meals shall be provided only to overnight guests and no cooking shall be permitted in guest rooms.

5. Required parking areas for guests and employees shall be provided on-site.

Sec. 106-310.11 Manufactured Home Sales

(A) General Standards:

1. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 106-402.

2. The storage and/or display of manufactured homes in the perimeter landscaping strip required above shall be prohibited.

3. The storage of used manufactured homes on the premises which are not suitable for occupancy shall be prohibited.

Sec. 106-310.13 Personal Storage

(A) General standards:

1. The minimum lot size shall be 1 acre.

2. The minimum front yard setback shall be 30 feet.

3. No security fencing, security gate or other obstruction to vehicle access shall be permitted in the required front yard setback or in any buffer yard required pursuant to Sec. 106-402.

4. All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a 30 foot long single unit truck or moving van. All driveways shall be surfaced pursuant to Sec. 106-404.11

5. No door openings for any cubicle shall be constructed facing any residentially zoned property.

6. The following uses shall be prohibited:

a. Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.

b. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.

c. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

d. The establishment of a transfer and storage business.

e. The storage of flammable, highly combustible, explosive or hazardous materials shall be prohibited.

7. Outdoor storage areas shall be used for the storage of motor vehicles, trailers, and recreational vehicles only. All outdoor storage areas shall be screened from adjoining properties by a 10 foot landscaped area consisting of small evergreen trees and evergreen shrubs in accordance with Sec. 106-402.

8. Accommodations for a live-in manager shall be permitted.

Sec. 106-310.15 Recreational Vehicle Sales and Service

(A) General standards:

1. A perimeter landscaping strip and landscaping shall be provided as required by Sec. 106-402.

2. The storage and/or display of recreational vehicles in the perimeter landscaping strip required above shall be prohibited.

3. Any recreational vehicle which is missing major mechanical or body parts or has been substantially damaged shall be placed in a storage yard. The storage yard shall be fully screened from public view and shall be set back at least 100 feet from any adjoining residential district.

Sec. 106-312 Industrial Uses

Sec. 106-312.1 Asphalt Plants

(A) General standards:

1. A Type C buffer yard shall be required in accordance with Sec. 106-402.

(B) Additional standards in the LM district:

1. In considering a special exception permit request for an asphalt plant, in addition to the general standards listed above, the commission and council shall specifically consider and set standards for the following:

a. The maximum height of any structure and any additional setback requirements necessary to compensate for any increased height.

b. Specific measures to control dust during the construction and operation of the plant.

c. Specific levels of noise permitted during the daytime and nighttime operation of the plant, as measured at adjacent property lines, and any additional requirements for the design or operation of the plant intended to reduce noise.

Sec. 106-314 Miscellaneous Uses

Sec. 106-314.1 Amateur Radio Tower

(A) General standards:

1. An amateur radio tower shall be considered as an accessory structure and shall comply with the minimum setback requirements for the respective zoning district.

2. More than one tower shall be permitted on a site provided all setback requirements have been met.

3. Amateur radio towers shall only contain antennae and/or communications equipment that are designed for receiving and transmitting amateur radio signals.

3. Amateur radio towers shall be illuminated if required by the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC), but no lighting shall be allowed if not required by either agency.

(B) In all zoning districts where amateur radio towers are permitted the following additional standards shall apply:

1. The maximum height permitted by right for an amateur radio tower shall be seventy-five 75 feet. Any tower which exceeds this height may be permitted only after obtaining a special exception permit in accordance with Sec. 106-524 of this ordinance and the additional criteria established under (C) for such permits below.

(C) Where a special exception permit is required by this ordinance, the following criteria shall be considered:

2. In accordance with the FCC's Memorandum Opinion and Order in PRB-1 also known as "Amateur Radio Preemption", 101 FCC2d 952 (1985), local regulation of amateur radio towers shall consider the following:

a. The FCC, in regulating and licensing amateur radio stations and operators, is operating under basic federal objectives which preempt certain local regulations which preclude amateur communications.

b. Restrictions on the placement, screening, or height of towers based on health, safety or aesthetic considerations must reasonably accommodate amateur communications.

c. Restrictions must represent the minimum practicable regulation to accomplish the purpose of the district in which the tower is proposed, as well as the purpose of this ordinance as contained in Sec. 106-104.

3. The specific height of the amateur radio tower shall be established as a condition of the special use permit.

Sec. 106-314.3 Outdoor Gatherings

(A) General standards:

1. As part of the application for a special exception permit the petitioner shall submit information indicating the individuals and/or parties sponsoring the event, the nature of the gathering, the events, displays and/or entertainment scheduled, the number of tickets to be sold,

an estimate of the total number of people expected to attend, and the dates for which the permit is requested.

2. In addition, a detailed plan shall be submitted of all facilities to be provided in accordance with the following guidelines:

a. Adequate provisions for sanitation facilities, garbage and trash collection and disposal, and facilities for providing food, water and lodging for persons at the gathering shall be provided.

b. The sponsors shall provide for adequate medical facilities, fire protection and security of the site.

c. Adequate on-site parking shall be provided for all employees and patrons of the gathering. The parking layout shall be determined in advance of the festival, adequately marked on the site and shall be supervised during the festival in such a manner as to provide safe and convenient access to all patrons and employees, and to accommodate emergency service vehicles.

d. Adequate off-site circulation and traffic controls to provide safe ingress and egress to the gathering without burdening the existing road network or substantially disrupting the normal flow of traffic.

e. Any lighting installed for the gathering shall be directed away from adjoining properties.

f. The level of any music and other noise created by the gathering shall be directed away from any adjoining residence and may be specifically limited by the city council.

Sec. 106-314.5 Towers

(A) Intent. These minimum standards are intended to govern the location of all towers and the installation of antennas and accessory equipment structures.

(B) Towers, with related unmanned equipment buildings, shall be permitted only by special exception in HBD, BCD,

LM and HM zoning districts as specified in Article II District Regulations. Towers shall also be allowed by special exception in any zoning district on property owned or controlled by the City of Salem

(C) As part of the review and approval of any special exception permit for a tower, Council may waive any of the requirements of this section, or prescribe such reasonable additional conditions in connection therewith as to assure that the design and installation of the tower and related facilities will conform to sound planning principals

(D) No tower or related facilities shall be located within 500 feet of any residential district.

(E) No tower shall exceed 199 feet in height, including antennas.

(F) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FCC or FAA, be painted a neutral color.

(G) At any tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and the built environment. The related unmanned equipment structure shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the requirements of the zoning district in which located.

(H) Towers shall not be artificially lighted, unless required by the FCC or FAA. If lighting is required, the council may review the available lighting alternatives and approve the design that would cause the least disturbances to surrounding views.

(I) No advertising of any type shall be allowed on any tower.

(J) Satellite and microwave dishes attached to monopoles shall not exceed two feet in diameter or six feet in diameter when attached to towers.

(K) All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate

towers. If such standards and regulations are changed, then the owners of the tower governed by this section shall bring such structures into compliance with such revised standards as required. Failure to bring a tower into compliance with such revised standards and regulations shall constitute grounds for the revocation of the special exception permit, and removal of the tower at the owner's expense.

(L) The owner of any tower shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

(M) Each applicant requesting a special exception permit for a new tower shall submit 18 copies of a scaled site plan and a scaled elevation view and other supporting drawing, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, height requirements, setbacks, drives, parking, fencing, landscaping, easements, adjacent uses, and other information deemed necessary by the city to assess compliance with the regulations of this ordinance. Additionally the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed monopole or tower. The photograph with the simulated image shall include the foreground, the mid-ground, and the background of the site. An engineering report, certifying that the proposed tower and site are compatible for co-location with a minimum of three similar users including the primary user, must accompany the application. The applicant shall provide copies of their co-location policy.

(N) In addition to any reasonable application fees established by Council, the applicant shall be financially responsible for the cost of any professional engineering and or related services that may be procured by the city to independently verify the application information submitted by the applicant.

(O) No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the council that no existing tower, or structure can accommodate the proposed antenna. Evidence submitted to demonstrate that no

existing tower, or structure can accommodate the applicant's proposed antenna may consist of any of the following:

1. No existing towers, or structures are located within the geographic area required to meet the applicant's engineering requirements.
2. Existing towers, or structures are not of sufficient height to meet the applicant's engineering requirements.
3. Existing towers, or structures are not of sufficient structural strength to support the applicant's proposed antenna or related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with existing antenna, or the antenna on the existing towers, or structures would cause interference with the applicants proposed antenna.
5. The applicant demonstrates that there are other limiting factors that render existing towers, or structures unsuitable.

(P) Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures

(Q) Towers shall be enclosed by security fencing not less than six feet high and shall be equipped with an appropriate anti-climbing device.

(R) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaping strip of at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural land form on the site shall be preserved to the maximum extent possible.

(S) Any tower, that is not operational for a continuous period of 90 days shall be considered abandoned, and the owner of such tower shall remove same within 90 days of receipt of notice from the building official or city manager notifying the owner of such removal requirement. Removal includes the removal of the tower, all subterranean tower and fence footers, underground cables and support

buildings. The buildings may remain with the approval of the landowner. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. If the tower is not removed per this section, the city may require the landowner to have it removed. In all cases, the site shall be returned as closely as possible to its original conditions.

(T) Every applicant for a special exception permit for a tower shall, as a condition for the issuance of the special exception permit, file with the building official a continuing bond in the penal sum of not less than \$10,000.00, and conditioned for the faithful observance of the provisions of this ordinance and all amendments thereto, and of all the laws and ordinances relating to towers, and which shall indemnify and save harmless the city from any and all damages, judgments, costs, or expenses which the city may incur by reason of the removal or the causing to be removed any tower as provided for in this section.

Sec. 106-316 ACCESSORY USES AND STRUCTURES

(A) As defined in Sec. 106-600, accessory uses and structures may be commonly found and associated with principal use types. Principal uses which are allowed by right or by special exception may include accessory uses and activities, provided such accessory uses and activities are appropriate and incidental to the principal use, and provided they are designed and located in accordance with the intent and provisions of this ordinance.

Sec. 106-316.1 Accessory Uses: Agricultural Use Types

(A) Agricultural use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking associated with a principal use.
2. The storage of agricultural equipment, products, or materials associated with the principal use.
3. Temporary sawmills.

4. Other uses and activities necessarily and customarily associated with purpose and function of agricultural use types, as determined by the administrator.

Sec. 106-316.3 Accessory Uses: Residential Use Types

(A) Residential use types may include the following accessory uses, activities or structures on the same site or lot:

1. Private garages and parking for the principal use.
2. Recreational activities and uses used by residents, including structures necessary for such uses.
3. Playhouses, gazebos, incidental household storage buildings, swimming pools, and other similar accessory structures.
4. Garage or yard sales provided that such sales occur no more than seven days in a two month period.
5. Other uses and activities necessarily and customarily associated with purpose and function of residential use types, as determined by the administrator.

Sec. 106-316.5 Accessory Uses: Civic Use Types

(A) Civic use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Accessory dwellings commonly associated with or necessitated by the location and operation of the principal use.
3. Food services operated incidental to the principal use and operated primarily for the convenience of employees, residents or users of the principal use. Typical examples include cafeterias, and dining halls.
4. Convenience commercial facilities clearly incidental to the principal use and operated primarily for the convenience of employees, residents, and users of the principal use. Typical examples include museum gift shops,

college bookstores, or snack bars clearly incidental to the principal use.

5. Other uses and activities necessarily and customarily associated with purpose and function of civic use types, as determined by the administrator.

Sec. 106-316.7 Accessory Uses: Office Use Types

(A) Office use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Recreational facilities available only to the employees of the office use type.
3. Day care facilities available only to the employees of the office use type.
4. Other uses and activities necessarily and customarily associated with purpose and function of office use types, as determined by the administrator.
5. One accessory dwelling unit occupied by employees responsible for the security of the use.
6. Other uses and activities necessarily and customarily associated with purpose and function of civic use types, as determined by the administrator.

Sec. 106-316.9 Accessory Uses: Commercial Use Types

(A) Commercial use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Accessory storage buildings or areas.
3. One accessory dwelling unit occupied by employees responsible for the security of the use.

4. Other uses and activities necessarily and customarily associated with purpose and function of commercial use types, as determined by the administrator.

Sec. 106-316.11 Accessory Uses: Industrial Use Types

(A) Industrial use types may include the following accessory uses, activities or structures on the same site or lot:

1. Parking for the principal use.
2. Recreational facilities available only to the employees of the industrial use type.
3. Day care facilities available only to the employees of the industrial use type.
4. Cafeterias and sandwich shops available only to the employees of the industrial use type.
5. Incidental retail sale of goods associated with the industrial use type, provided the square footage does not exceed 10 percent of the gross floor area or 3,000 square feet, whichever is less.
6. One accessory dwelling unit occupied by employees responsible for the security of the use.
7. Other uses and activities necessarily and customarily associated with purpose and function of industrial use types, as determined by the administrator.

ARTICLE IV DEVELOPMENT STANDARDS

Sec. 106-400 Site Plan Review

(A) A site plan shall be required and shall be submitted to the city for each of the following:

1. All new development in every zoning district except for single family and two family dwellings.
2. The conversion of any single family or two family dwelling to any other use or to a higher intensity residential use.
3. Additions or modifications to buildings or sites, except single family and two family dwellings, if said addition or modification results in a five thousand square foot or greater increase in impervious surface area of the site.
4. The conversion of any property from fee simple ownership to a condominium form of ownership.
5. The conversion of any building or property to a different use category, e.g., commercial to industrial

(B) All required site plans shall be prepared by a professional engineer, or land surveyor B, who is registered by the Commonwealth of Virginia. The city may waive this requirement if the type, scale or location of the proposed development does not necessitate such plans.

(C) A plot plan, that meets the standards contained in Sec. 106-406.3 shall be required for all uses or development not requiring a site plan.

Sec. 106-400.1 Preliminary Site Plans

(A) Applicants for site plan approval may submit a preliminary site plan to the city for review and approval prior to preparing a final site plan. The preliminary site plan shall show the general location of all existing and proposed land uses and site features. Specifically it shall include the following information:

1. The name and location of the proposed development.
2. The boundary of the entire tract showing distances and bearings.

3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.

4. Area and present zoning of the site proposed for development.

5. Adjacent and abutting properties with information on ownership, zoning and current use.

6. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.

7. The names, and locations of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.

8. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.

9. The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two foot contour intervals.

(B) The city shall review the preliminary site plan and shall advise the applicant whether or not the features and uses shown on the preliminary plan generally conform to the provisions of this ordinance and any other applicable city ordinance and requirement. If the features and uses shown on the preliminary plan generally conform to the provisions of this ordinance, the city shall advise the applicant of the approval of the preliminary plan and shall authorize the applicant to prepare and submit a final site plan. If the features and uses shown on the preliminary plan do not conform to the provisions of this ordinance, the city shall advise the applicant in writing, and shall advise the applicant on what changes to the preliminary plan are necessary prior to approval.

Sec 106-400.3 Final Site Plans

(A) Every final site plan submitted in accordance with the requirements of this ordinance shall show the following information unless the administrator determines that such information is not necessary to insure conformance with city ordinances or standards:

1. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.
2. Property lines of the parcel(s) proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limits of development line shall also be shown.
3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.
4. The tax parcel number(s) of parcels proposed for development and depicted on the site plan.
5. The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development. Tax parcel numbers for each of these properties shall also be provided.
6. The nature of the land use(s) proposed for the site.
7. The zoning district designation of the parcel(s) proposed for development, and the zoning designation and current land use of adjacent parcels.
8. The names, and locations of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.
9. The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing median cuts will serve the site they shall be shown. If new median cuts are proposed, their location shall also be shown.

10. All proffers accepted pursuant to Sec. 106-522 shall be shown on the plan.
11. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this ordinance.
12. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
13. The number of stories, floor area, and building height of each building proposed. If more than one land use is proposed, the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s).
14. For residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided.
15. The location of proposed or required fire lanes and signs.
16. The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two foot contour intervals.
17. Detailed utility plans and calculations shall be submitted for sites for which public water or sewer will be provided or for sites on which existing utilities will be modified. The City Engineer shall have the authority to set the standards for such plans.
18. An erosion and sedimentation control plan and detail sheet shall be submitted for site developments involving the grading disturbance of greater than 5000 square feet of area, or 1,000 cubic yards of material.

19. A detailed storm water management plan and calculations shall be submitted. The City Engineer shall determine the requirements for such plans.
20. The location of existing and proposed freestanding signs on the parcel.
21. The location and type of proposed exterior site lighting, including height of poles and type of fixtures.
22. The location of any 100 year flood plain and floodway on the site, and the relationship of buildings and structures to this floodplain and floodway.
23. The location of required or proposed buffer yards, screening, fencing, and site landscaping and irrigation. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided.

Sec. 106-400.5 Format of Plans

(A) Site plans shall be submitted on sheets no greater in size than 34 by 44 inches. A sheet size of 24 by 36 inches is preferred. The scale of the plans shall not be greater than one inch equals 10 feet (1"=10'), or less than one inch equals fifty feet (1"=50'). Plans shall be designed using an engineering scale. The Director of Planning and Development may approve a lesser scale such as 1"=100' provided sufficient detail is provided to insure compliance with all applicable requirements of this ordinance and any other requirement or ordinance of the city or Commonwealth.

(B) If more than one sheet is used to supply the information required by this ordinance, sheets shall be numbered, and match lines shall be provided, when appropriate, to clearly indicate where the plans join.

(C) Prior to final approval by the city, site plans shall be signed by the owner or developer of the parcel(s) proposed for development. The signature shall certify that the owner/developer is aware of the site design requirements imposed by the site plan and other applicable city codes, and shall further certify that the owner/developer agrees to comply with these requirements, unless modified in accordance with local law.

(D) After approval, the city may require that all approved plans be submitted to the city in digital format.

Sec. 106-400.7 Administrative Procedures and Requirements.

(A) The Director of Planning and Development shall have the administrative authority to establish city procedures for site plan review and approval. No procedure so established shall set a lesser standard than is legislated in this ordinance.

(B) The director of Planning and Development shall coordinate the city review of any site plan submitted in accordance with city administrative procedures, and shall have the authority to request opinions or decisions from other city departments, agencies or authorities of the Commonwealth of Virginia, or from other persons as may from time to time be consulted.

(C) A minimum of ten complete sets of site plans shall be submitted for review. A review fee shall be required for any site plan submitted. The city shall establish procedures for the collection of these fees.

(D) The city shall review, and approve or disapprove any site plan submitted for its review within 45 days of the filing of the plan with the city. If an unapproved site plan is returned to the applicant or other agent of the property owner, due to lack of required information on the plan, or because the design or standards proposed on the site plan do not meet the provisions of this ordinance or other applicable city standards, the forty-five day time period shall begin again with the resubmittal of the plan to the city.

(E) Approval of a final site plan pursuant to the provisions of this ordinance shall expire five years from the date of approval in accordance with Sec. 15.2-2261 of the Code of Virginia, as amended, unless building and/or zoning permits have been obtained for the development.

(F) No building or zoning permit shall be issued by any city official for any building, structure or use depicted on a required site plan, until such time as the plan is approved by the city.

(G) No change, revision, or erasure shall be made on any pending or approved site plan, nor on any accompanying data sheet where approval has been endorsed on the plan or sheets, unless authorization for such changes is granted in writing by the director of Planning and Development who shall consult with all applicable departments or agencies prior to approving the change.

Sec. 106-400.9 Minimum Standards and Improvements Required

(A) Any improvement required by this ordinance, or any other ordinance of the City of Salem shall be installed at the cost of the developer unless other agreements have been reached between the developer, the city, the Virginia Department of Transportation, and/or any other governmental agency.

(B) Prior to the approval of a site plan the applicant shall execute an agreement to construct required or proposed improvements located within public rights-of-way or easements or any such improvement connected to any public facility. The applicant shall also file a performance guarantee with surety acceptable to the city in the amount of the estimated cost of the improvements plus ten percent contingency, as determined by the city Engineer. The owner's performance guarantee shall not be released until the construction has been inspected and accepted by the city

(C) Proposed lot sizes, buildings or uses shown on site plans shall conform to the provisions of this ordinance. Nonconforming lots of record, buildings or uses may be developed in accordance with Sec. 106-526 of this ordinance.

(D) Proposed parking areas, travel lanes and access drives shown on site plans shall be designed, located and constructed in accordance with Sec. 106-404 of this ordinance.

(E) Utilities shown on site plans shall conform to applicable city standards, as determined by the City Engineer

(F) Stormwater management facilities shown on site plans shall conform to applicable city ordinances as determined by the City Engineer.

(G) Erosion and sedimentation control plans shall be designed and implemented in accordance with the provisions of Chapter 36 of the city code.

(H) Proposed exterior site lighting shall be in accordance with Sec. 106-406.1 of this ordinance.

(I) Required buffer yards, screening and/or landscaping shown on site plans shall be designed and located in accordance with Sec. 106-402 of this ordinance.

Sec. 106-402 Buffer Yards, Screening and Landscaping

(A) It is the intent of these provisions to promote the public health, safety and welfare by reducing common conflicts associated with incompatible abutting land uses. It is also the intent of these provisions to promote the protection of the natural environment through plantings that absorb gaseous emissions and improve air and water quality. To the ends, these requirements seek to ease transition among different uses by reducing noise, glare, dust and overcrowding, redirecting emissions, confining litter, maintaining property values, protecting neighborhood character, promoting visual harmony, restricting passage, promoting peaceful enjoyment and privacy and enhancing the natural environment. Further, the requirements seek to encourage innovation in landscape and architectural design.

Sec. 106-402.1 General Requirements

(A) These provisions shall apply to all developments requiring a site plan as specified by this ordinance. All required landscaped plans shall be prepared by a licensed professional knowledgeable of plant materials and landscape design.

Sec. 106-402.3 Buffer Yards

(A) Buffer yards containing specified screening and plantings shall be required between zoning districts of different intensities as shown in Table 1. For each

required buffer type, the developer of the site shall choose which option to install. Buffer yards shall be installed in the higher intensity zoning district.

(B)Required buffer yards shall be located such that they provide a visual and physical barrier between abutting zoning districts of different intensities and shall buffer and screen all exterior storage, service, refuse, maintenance, repair, processing, salvage, parking, and other similar areas. No use of the site may be extended beyond the required buffer yard.

(C)Required buffer yards shall not be located on any portion of any existing or dedicated public or private street or right-of-way, shall not obstruct the visibility of traffic circulation, and shall not interfere with the use of adjoining properties.

Table 1	Adjoining Zoning													
	AG	RSF	RMF	MHP	RB	DBD	TBD	HBD	BCD	LM	HM	CUD	PUD	
Site Zoning	Category of Buffer Yard Required													
RMF	B	B	*	*	*	*	*	*	*	*	*	*	B	
MHP	B	B	B	*	B	*	*	*	*	*	*	B	B	
RB	B	B	B	B	*	*	*	*	*	*	*	*	*	
DBD	B	B	B	B	*	*	*	*	*	*	*	*	B	
TBD	B	B	B	B	*	*	*	*	*	*	*	*	B	
HBD	B	B	B	B	*	*	*	*	*	*	*	B	B	
BCD	B	B	B	B	*	*	*	*	*	*	*	B	B	
LM	C	C	C	C	A	A	A	A	A	*	*	C	C	
HM	C	C	C	C	A	A	A	A	A	*	*	C	C	
CUD	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	B ¹	*	*	
PUD	*	*	*	*	*	*	*	*	*	*	*	*	*	

Type of Buffer Yard	Option 1	Option 2
A	Six-foot screening	Five-foot buffer yard, one row of evergreen shrubs
B	Eight-foot buffer yard, one row of small evergreen trees, one row of evergreen shrubs	15-foot buffer yard, one row of small evergreen trees
C	15-foot buffer yard, one row of large evergreen trees, one row of small evergreen trees	25-foot buffer yard, one row of large evergreen trees

1. Buffering and screening within the CUD shall only be required for industrial use types.

(D) Required buffer yards, including screening and plantings shall be in place at the time of any occupancy or use of the property. Required plantings may be installed at the beginning of the first opportune planting season after any occupancy or use of the property.

(E) The buffer yard shall be reserved solely for screening and plantings, except for required pedestrian or vehicular access driveways to the property, passive recreation areas, or pedestrian or bicycle trails, which can be accommodated in a manner that preserve the intended screening function between abutting zoning districts of different intensities. In no case shall any portion of a required buffer yard be used for parking, service, refuse, storage, maintenance, or any other use that impairs the intended buffer function.

(F) The property owner or lessee shall have the responsibility to continuously maintain the required buffer yards, screening and plantings such that they continue to meet the specified standards and intent of this section. All materials shall present an attractive appearance and be of durable construction.

Sec. 106-402.5 Standards for Buffer Yard Planting and Screening

(A) Planting required by this section shall be provided in accordance with the following standards:

1. Where required, all evergreen shrubs shall have a height of at least 24 inches at the time of planting and an ultimate height of six feet or more. One such shrub shall be planted for each three linear feet of buffer yard. Some evergreen shrubs that meet these standards are various types of hollies, yews, and junipers.

2. Where required, each small evergreen tree shall have a height of at least four feet at time of planting and an ultimate height of 15 feet or greater. One such tree shall be planted for each five linear feet of buffer yard. Some small evergreen trees that meet these standards are various types of pines, hollies, upright arborvitae and junipers.

3. Where required, each large evergreen tree shall have a height of at least six feet at the time of planting and an ultimate height of 50 feet or greater. One such tree shall

be planted for each 15 linear feet of buffer yard. Some large evergreen trees that meet these standards are various types of pines, firs and hemlocks.

4. Existing evergreen trees and shrubs which meet the requirements of this section may be counted as contributing to total planting requirements.

5. All portions of buffer yard areas not containing plantings shall be seeded with lawn grass or other approved vegetative ground cover.

(B). Screening required by this section shall be provided in accordance with the following standards:

1. Screening shall be visually opaque and shall be constructed of a durable material. It shall be installed within the required buffer yard, and shall be continuously maintained.

2. Acceptable screening materials shall include stockade fences, decorative masonry walls, brick walls, and earth berms. Alternate materials may be approved, if in the opinion of the administrator, their characteristic and design meet the intent and standards of this section.

Sec. 106-402.7 Perimeter Landscaping Standards for Parking Lots.

(A) When a new, expanded, or reconfigured parking area is required or proposed adjacent to a public street rights-of-way, a landscaped planting strip shall be established between the parking area and the adjacent street rights-of-way. This required landscaped planting strip shall have a minimum width of eight feet, if the depth of any portion of the parking area is sixty feet or less when measured at a right angle to the street rights-of-way. The width of the required landscaped planting strip shall be increased by one foot for each additional five foot depth of parking area provided. No required landscaped planting strip shall be required to exceed a width of fifty feet.

(B). Within the required landscaped planting area, one deciduous tree shall be planted for each 320 square feet of landscaped area. All shade trees shall have a minimum caliper of 2 inches dbh at the time of planting and trained to a central leader. Lower limbs shall be removed to a

clear trunk height of 6 foot as tree growth allows. Smaller ornamental/flowering trees may be used with the permission of the administrator. When used, these trees may retain their lower limbs, but must be planted with consideration of visibility and traffic flow.

(C) When buffer yards as specified in this section are not required, an eight foot wide landscaped planting strip shall be provided between all parking areas and adjacent properties. Within the required landscaped planting area, one deciduous tree shall be planted for each 160 square feet of landscaped area. All shade trees shall have a minimum caliper of 2 inches dbh at the time of planting and trained to a central leader. Lower limbs shall be removed to a clear trunk height of 6 foot as tree growth allows. Smaller ornamental/flowering trees may be used with the permission of the administrator. When used, these trees may retain their lower limbs, but must be planted with consideration of visibility and traffic flow.

Sec. 106-402.9 Landscaping of Front Setback Areas

(A) All front setback areas located between a building and a public street shall be professionally landscaped with a combination of trees, shrubs and groundcover.

Sec. 106-402.11 Use of Existing Woodland Areas

(A) In cases where quality woodland exists, preservation of existing trees between the parking lot and the adjoining right-of-way or property is encouraged and may be substituted for landscaping requirements at the discretion of the city horticulturist.

Sec. 106-402.13 Interior Landscaping Standards for Parking Lots

(A) The following minimum standards for interior parking lot landscaping shall be met for all new, expanded or reconfigured parking areas containing ten thousand (10,000) square feet or more of impervious area

1. At least one deciduous shade tree shall be installed for every ten parking spaces provided. All shade trees shall have a minimum caliper of 2 inches dbh at the time of planting and trained to a central leader. Lower limbs shall be removed to a clear trunk height of 6 foot as tree growth

allows. Smaller ornamental/ flowering trees may be used with the permission of the administrator. When used, these trees may retain their lower limbs, but must be planted with consideration of visibility and traffic flow.

2. A continuous landscape strip shall be installed between every four rows of parking. This strip shall be a minimum of eight feet in width to accommodate required trees and shrubs.

3. Large planting islands (over 200 square feet) shall be located throughout the lot at the end of parking rows. These islands shall be planted with shade trees, low shrubs and/or ground cover.

4. Planting islands, with a minimum width of nine feet shall be provided between every 15 parking spaces to avoid long rows of parked cars. One deciduous shade tree shall be provided within each of these planting islands.

5. Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns, improve stormwater quality and to promote stormwater management objectives. Clear and legible signs and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot.

Sec. 106-402.15 Planting and Design Guidelines

(A) Use deciduous urban shade trees with ground cover or low shrubs as the primary landscape material. Avoid tall shrubs or low-branching trees that will restrict visibility.

(B) For planting islands that are parallel to spaces, islands shall be a minimum of nine feet wide to allow doors to open.

(C) For planting islands that are perpendicular to spaces, islands shall be a minimum of eight feet wide to allow for overhang of parked cars. If parking is only on one side of the island, an eight-foot width is still required.

Sec. 106-402.17 Maintenance of Landscaping

(A) The owner, tenant and their agents, if any, shall be jointly and severally responsible for the maintenance of all required and provided landscaping in good condition so as to present a healthy, neat and orderly appearance. All landscaped areas shall be kept free from refuse and debris.

(B) All landscaped area shall be provided with a readily available water supply with at least one outlet located within 150 feet of all planted areas. Drip-type irrigation systems are encouraged.

(C) All required or provided trees, shrubs, ground covers and other plant materials must be replaced during the first opportune planting season if they die or become unhealthy because of accidents, drainage problems, disease or other causes.

(D) Trees shall not be trimmed or topped so that advertisement signs may be visible. Trees shall instead be allowed to grow and at the appropriate time, the crown may be lifted.

Sec. 106-402.19 Modifications

(A) The requirements of this section shall be applied equally to all similarly classified and situated properties but may be modified or waived by the administrator where the intent of this section is preserved and where the proposed developments of new use meets any of the following guidelines:

1. Natural land characteristics and/or existing vegetation would achieve the same intent of this section, provided such natural features are maintained and not modified by the development or use of the site;
2. Innovative landscape design, staggering of planting, screenings or architectural design would achieve the intent of this section;
3. The amount of required buffer yard would occupy more than ten percent of the total lot, parcel of land or development site, and proportional increases of planting and screening are added which are determined by the administrator to offset any reductions of the required buffer yard.; or

4. The subject uses are separated by an alley, public utility right-of-way, water body or other physical separation. In such case, the width of the separating feature may replace the buffer yard requirements on a foot-for-foot basis, provided the intent of the applicable screening and planting requirements is met. Where such separating feature is wider than the applicable buffer yard requirements, one row of the applicable planting requirements may be waived for every five feet of separation in excess of the required buffer yard; provided, however, that a minimum of one row of plantings or screening may be required.

5. When property lines abut an adjacent jurisdiction, the administrator shall determine the specific screening and buffering requirements along the property lines after consideration of the zoning designation and or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated property within the city.

6. If site characteristics do not permit the compliance with these parking lot landscaping regulations and the requirements of Sec. 106-404 (Off Street Parking), then the administrator shall, after consultation with the city horticulturist, have the authority to determine which standards shall take precedent on the site

7. The location and design of any required landscaped area may be modified by the administrator to achieve local stormwater management water quality objectives.

Sec. 106-402.21 Conflicting Requirements.

(A) When buffering, screening or planting requirements are required by a conditional rezoning, or a special exception permit approved after the effective date of this ordinance, and said requirements are in conflict with the requirements contained herein, the more restrictive requirements shall apply.

Sec. 106-402.23 Nonconforming uses and sites

(B) Any lot or parcel of land having a lawful use that does not conform with the buffering, screening and

landscaping provisions for this section shall be required to comply with these provisions if:

1. The lawful use is discontinued for more than two years, or,
2. The lawful use is replaced in whole or in part by a higher intensity use type, i.e., commercial to industrial
3. The associated building or structure containing the lawful use is removed, or,
4. The associated building or structure containing the lawful use is enlarged, extended, reconstructed or structurally altered to the extent that costs exceed 25 percent of the building's or structure's fair market value prior to any improvement. For purpose of this section, all costs incurred from enlargement, extension, reconstruction or structural alteration of such structure during a three-year period shall be included in determining whether the costs of such improvements exceed 25 percent of the fair market value.

Sec. 106-402.25 Additional Requirements For Exterior Storage, Refuse Disposal, Etc.

(A) Any exterior area used for storage, service, maintenance, repair, processing, manufacturing, fabrication, salvage, refuse disposal, or other similar use that is visible from a public street right-of-way, shall be screened with a buffer yard, screening and plantings meeting Type A standards listed in this section, and shall be provided in a manner which screens the use from view. Any area so used shall also be similarly screened from view of adjoining residences and business.

Sec. 106-402.27 Additional Requirements for Outdoor Recreation Uses

(A) Where any area used for active outdoor recreation use, playground, tennis courts, swimming pool, or other similar use is located in a residential district, such use shall be screened from any adjoining residences with buffer yards, screening and plantings meetings Type B standards listed in this section.

Sec. 106-404

Off-Street Parking Requirements

(A) These provisions for off-street parking are intended to address the off-street parking demands created by various land uses within the City of Salem. The standards established in this section are designed to protect the health safety and welfare of the Salem community by accommodating parked vehicles in a safe and functional manner with consideration given to the stormwater quality and quantity impacts of impervious parking areas.

Sec 106-404.1 Applicability

(A) These provisions shall apply equally for all use types listed in this section, except for those use types located within the DBD Downtown Business District. No minimum parking shall be required for any use type within the DBD. However, if parking is provided for any use type in the DBD, it shall be constructed to the standards contained herein as well as applicable standards contained in Sec. 106-402 Buffer Yards, Screening and Landscaping.

Sec. 106-404.3 General Regulations

(A) No commercial vehicle with, or designed to have two (2) or more rear axels shall be parked in any residential zoning district except while loading and unloading on such premises. No construction vehicle or machinery shall be parked overnight in a residential zoning district unless the machinery is incidental to the ongoing and active improvement of the property.

(B) No recreational vehicle shall be used for living or businesses purposes, or otherwise connected to utility services unless located within an approved campground, as otherwise permitted by this ordinance.

(C) All required off-street parking shall be located on the same lot as the use requiring the parking, except under the following conditions:

1. Required parking spaces are on a contiguous lot under the same ownership or in a permanent parking easement on contiguous property. Contiguous lots providing parking for more than one use shall provide sufficient spaces to comply with the parking requirements for all uses.

2. For uses types other than residential, required parking spaces may be located up to 600 feet away from the use that requires the parking spaces.

Sec. 106-404.5 Disabled Parking

(A) Site plans, as required by Sec. 106-400 shall provide for parking spaces reserved for the disabled. The number of spaces provided shall be as required by the Virginia Uniform Statewide Building Code.

Sec. 106-404.7 Permitted Locations

(A) Except as provided for in Sec. 106-210.3, all required or provided off-street parking spaces located on the ground and not within a parking structure, may be located within any required yard unless the yard is required for screening, buffering, or landscaping as provided by this ordinance.

(B) All parking structures and carports shall comply with the minimum yard and setback requirements applicable in the zoning district where the structure is located.

Sec. 106-404.9 Access

(A) All off-street parking spaces shall provide safe and convenient access to a street.

(B) Aisles between rows of parking, and aisles providing access to parking lots shall comply with the design standards established by the building official.

Sec. 106-404.11 Construction Standards

(A) All off-street parking areas shall be constructed of a hard surface consisting of bituminous concrete or concrete. Gravel parking areas shall not be permitted, unless the administrator determines that the use is of a temporary nature.

Sec. 106-404.13 Parking Space Dimensions

(A) All required or provided parking spaces shall have a minimum width of nine feet and a minimum depth of twenty feet except as follows:

1. When parking spaces are adjacent to landscaped areas, the paved depth of such spaces may be decreased by two feet to provide for vehicle overhang area.

2. Spaces for compact vehicles may comprise up to twenty percent of required spaces. Compact spaces shall be located in groups of five or more contiguous spaces and may have a minimum width of eight and one-half feet and a minimum depth of eighteen feet.

Sec. 106-404.15 Criteria for Determining Required Parking

(A) When a building includes a combination of uses, the required parking will be the sum of the required parking for each use.

(B) Where the parking requirement for a use is not defined in this section, and no similar use is listed, the administrator shall determine the number of spaces to be provided.

(C) All references to square feet in the parking requirements below shall refer to gross square feet.

(D) All references to maximum occupancy shall refer to maximum occupancy as defined by the Virginia Uniform Statewide Building Code.

Sec. 106-404.17 Minimum Parking Required

USE TYPE	PARKING REQUIRED
(A) Agricultural Use Type	
Agriculture	No Requirement
Farm Stand	No Requirement
Forestry Operations	No Requirement
Stable	No Requirement

(B) Residential Use Types

Accessory Apartment	One space
Family Day Care Home	No Requirement
Home Occupation	No Requirement
Manufactured Home	2 spaces per D.U.
Manufactured Home, Emergency	No Requirement
Manufactured Home Park	2 spaces per D.U.
Multi-Family Dwelling Studio	1 space Per D.U.
One Bedroom	1.5 spaces per D.U.
Two and Three Bedrooms	2 spaces per D.U.
Four or more Bedrooms	2.5 spaces per D.U.
Residential Human Care Facility	2 spaces per facility
Single Family Dwelling	2 spaces per D.U.
Townhouse	
One Bedroom	1.5 spaces per D.U.
Two and Three Bedrooms	2 spaces per D.U.
Four or more Bedrooms	2.5 spaces per D.U.
Two Family Dwelling	2 spaces per D.U.

(C) Civic Use Types

Administrative Services	1 space per employee plus 3 spaces per 1000 square feet
Assisted Care Residence	1 space per employee on shift plus one space per three residents
Camps	Schedule B
Cemetery	Schedule B
Clubs	1 space per three persons based on maximum occupancy
Community Recreation	Schedule B
Correction Facilities	Schedule B
Crises Center	1 space per employee on shift plus one space per three persons based on maximum occupancy
Cultural Services	1 space per 400 square feet
Educational Facilities, College/University	Schedule B
Educational Facilities, Primary/Secondary	1 space per employee plus 1 space per four students

Guidance Services	in 11th and 12th grades. 1 space per 300 square feet
Halfway House	1 space per two persons of residential capacity, plus 1 space per employee on shift
Life Care Facility	Schedule B
Nursing Home	1 space per employee on shift plus 1 space per 3 residents
Park and Ride Facility	No Requirement
Post Office	Schedule A
Public Assembly	1 space per five seats
Public Maintenance and Service Facilities	Schedule A
Public Parks and Recreation Areas	Schedule B
Religious Assembly	1 space per five seats in principal place of worship
Safety Services	2 spaces per emergency vehicle based at facility

(D) Office Use Types

Financial Institutions	3 spaces per 1000 square feet plus required stacking spaces
General Offices	3.5 spaces per 1000 square feet
Medical Office/Clinic	7 spaces per practitioner or 1 space per 200 square feet, whichever is greater
Laboratories	1 space per employee plus one space per company vehicle based on site

(E) Commercial Use Types

Agricultural Services	Schedule A
Antique Shops	1 space per 400 square feet
Assembly Hall	1 space per 5 seats
Automobile Dealership, New	Schedule A
Automobile Dealership, Used	Schedule A
Automobile Repair Services, Major	2 spaces per repair bay plus 1 space per employee

Automobile Repair Services, Minor	on shift 3 spaces per repair bay plus 1 space per employee on shift
Automobile Rental/Leasing	Schedule A
Automobile/Parts Supply, Retail	Schedule A
Business Support Services	1 space per 200 square feet
Business or Trade Schools	Schedule B
Campground	1 space per camp site
Car Wash	1 space per employee on shift plus stacking spaces
Commercial Indoor Amusement	1 space per 3 persons based on maximum occupancy
Commercial Indoor Entertainment	1 space per 4 seats plus on space per employee on shift
Commercial Indoor Sports and Recreation	1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift
Commercial Outdoor Entertainment	1 space per 3 persons based on maximum occupancy plus 1 space per employee on shift
Commercial Outdoor Sports and Recreation	
Miniature Golf	1.5 space per hole
Swimming Pool	Schedule B
Tennis/Court Games	2 spaces per court
Other Outdoor Sports	Schedule B
Communications Services	1 space per 300 square feet plus 1 space per company vehicle based on site
Construction Sales and Services	Schedule A
Consumer Repair Services	1 space per 300 square feet
Convenience Store	5 spaces plus 1 space per 200 square feet plus one space per gas dispenser.
Dance Hall	1 space per 3 persons based upon maximum

Day Care Center	occupancy 1 space per employee on shift plus one space per three persons receiving care
Equipment Sales and Rental Flea Market	Schedule A 1 space per 100 square feet of sales area accessible to the public
Funeral Services	1 space per 2 employees on shift plus one space per 5 seats in main chapel
Garden Center	Schedule A
Gasoline Station	1 space per employee plus required stacking spaces
Golf Course	36 spaces per 9 holes
Homestay Inn	1 space per sleeping room available for guests
Hospital	1 space per employee on shift plus one space per 2 beds
Hotel/Motel/Motor Lodge	1 space per guest room plus one space per employee, plus spaces as may be required for other uses on site
Kennel, Commercial	Schedule B
Laundry	1 space per 300 square feet
Manufactured Home Sales	Schedule B
Personal Storage	2 spaces for any live-in manager unit plus 2 spaces per 100 storage units
Pawn Shop	1 space per 300 square feet
Personal Improvement Services	1 space per 300 square feet
Personal Services	1 space per 300 square feet
Recreational Vehicle Sales and Service	Schedule A
Restaurant	1 space per four seats plus 1 space per employee on shift, plus required stacking spaces
Retail Sales	

Shopping Center	1 space per 250 square feet
Other Retail	1 space per 200 square feet
Studio, Fine Arts	Schedule B
Truck Stop	Schedule B
Veterinary Hospital/Clinic	1 space per 300 square feet

(F) Industrial Use Types

Asphalt Plant	Schedule B
Construction Yards	Schedule A
Custom Manufacturing	Schedule A
Industry, Type I	Schedule A
Industry, Type II	Schedule A
Industry, Type III	Schedule A
Landfill, Construction Debris	Schedule B
Landfill, Rubble	Schedule B
Landfill, Sanitary	Schedule B
Meat Packing and Related Industries	1 space per employee on shift
Railroad Facilities	Schedule B
Recycling Centers and Stations	Schedule B
Resource Extraction	1 space per employee on shift
Scrap and Salvage Services	Schedule A
Transfer Station	Schedule B
Transportation Terminal	Schedule B
Truck Terminal	Schedule B
Warehousing and Distribution	Schedule A

(G) Miscellaneous Use Types

Aviation Facilities	Schedule B
Tower	2 spaces per tower
Outdoor Gathering	Schedule B
Shooting Range	Schedule B

Schedule A

The following table contains minimum parking requirements for uses with elements having different functions or operating characteristics. The administrator shall consider and decide the minimum parking required for uses containing a mixture of these elements.

Element	Parking Required for Element
Office or Administrative Activity	3.5 spaces per 1000 square feet
Indoor Sales, Display or Service Area	1 space per 500 square feet
Motor Vehicle Service Bays	2 spaces per service bays
Outdoor Sales, Display or Service Area	1 space per 2000 square feet
General Equipment Servicing or Manufacturing	1 space per 1000 square feet
Indoor or Outdoor Storage Warehousing	1 space per 5000 square feet

Schedule B

Specific minimum parking requirements shall be determined by the administrator, based on requirements for similar uses, location of the proposed use, expected demand and traffic generated by the proposed use.

Sec. 106-404.19 Stacking Spaces and Drive-Through Facilities

(A) Stacking spaces shall be provided for any use having a drive-through facility or areas having a drop-off and pick up areas. The following general standards shall apply:

1. Stacking spaces shall not impede on and off-site traffic movements, shall not cross or pass through off street parking areas, and shall not create potentially unsafe conditions.
2. Drive through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.

3. Each stacking space shall be a minimum of eight feet by 20 feet.

(B) Stacking spaces shall be provided as follows:

1. Financial institutions shall provide five stacking spaces for the first drive-through window, and two stacking spaces for each additional window.

2. Car washes shall provide four stacking spaces per bay or stall.

3. Restaurants shall provide six stacking spaces per drive-through window, measured from the order station.

4. All other uses containing drive-through facilities shall provide a minimum of three stacking spaces for each window.

Sec. 106-406 Miscellaneous Provisions

Sec. 106-406.1 Site Lighting

(A) All exterior site lighting fixtures shall be designed, located and arranged so as not to direct glare on adjoining streets or residential properties.

Sec. 106-406.3 Plot Plans

(A) A plot plan shall be submitted, prior to the approval of a zoning permit, for any new or expanded use or development not requiring a site plan or a concept plan. Plot plans shall be legibly drawn and shall clearly indicate the area, shape and dimensions of the property proposed for development. All existing easements, natural water courses, and existing and proposed improvements shall also be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.

Sec. 106-406.5 Yard, Height and Setback Requirements

(A) The lot area and yards required for any use or structure shall be permanently maintained, and shall not be counted as the required lot area or yards for any other use or structure.

(B) Required yards shall remain free of all uses or structures except for the following:

1. Fences, walls and landscaping shall be allowed in yards provided that sight triangles are maintained per Sec. 106-406.17. Driveways and parking areas shall also be allowed.

2. Patios and stoops shall be allowed within all required setback areas. Decks shall comply with all district setback requirements.

3. Accessory structures shall be allowed in accordance with the regulations for such structures.

(C) Height limitations contained in Article II of this ordinance shall not apply to barns or silos associated with an agricultural use, church spires, belfries, residential chimneys, flag poles, or residential television antennae.

Sec. 106-406.7 Frontage Requirements on Cul-de-sacs

(A) The minimum lot frontage on the arc of a cul-de-sac shall be no less than 50 feet in all zoning districts.

Sec. 106-406.9 Pipestem Lots; Prohibition of Irregular Lots

(A) On pipestem lots, as defined in Sec. 106-600, the stem shall have a minimum width of 50 feet. No building or structure shall be permitted in the stem portion of the lot. In addition, the front lot line of such lots, for the purposes of the front yard setback requirement, shall be that line of the pipe portion of the lot closest to and parallel to the street right-of-way.

(B) The creation of irregular lots, as defined in Sec. 106-600 of this ordinance, shall be prohibited. No lot shall be platted or modified pursuant to the provisions of the Salem Subdivision Ordinance, that due to its geometric characteristics, results in the creation of an irregular lot.

Sec. 106-406.11 Single Family Detached Dwellings; Number Permitted on a Single Lot

(A) Only one single family detached dwelling shall be permitted on any lot. Any existing lot that has two or more single family detached dwellings shall be subdivided in accordance with this ordinance, and the subdivision ordinance.

Sec. 106-406.13 Public Utility Lots

(A) Well lots, tank lots, stormwater detention area lots, utility pumping station lots, and similar types of public utility lots may be created in compliance with the terms of this ordinance and the Salem Subdivision ordinance, notwithstanding the frontage, width, area, and other design standards for lots found in Article II of this ordinance. Any such lot proposed for platting, shall be clearly designated on a subdivision plat reviewed and approved by the City of Salem . This plat shall contain notations and covenants that clearly restrict the use of the lot for the above cited purposes. Further, the plat shall clearly indicate that no employment shall be allowed at these lots except for the routine and necessary maintenance of the public facilities.

Sec. 106-406.15 Corner and Double Frontage Lots, Orientation of Yards

(A) On corner and double frontage lots, the front shall be determined by the administrator. A rear yard shall always be opposite a front yard.

Sec. 106-406.17 Establishment of Sight Triangles

(A) To promote visibility for pedestrians and the operators of motor vehicles, a clear sight triangle shall be established at the intersecting right-of-ways of any two public streets. The legs of this sight triangle shall be 25 feet in length. They shall begin at the point of intersection of the two street right-of-ways, and shall extend 25 feet along each right-of-way line. The triangle shall be formed by connecting the endpoints of these two lines.

(B) Within this sight triangle nothing in excess of three feet in height shall be constructed, placed, or permanently

parked. In addition, no vegetative plantings within the triangle shall be allowed to grow to a height of greater than three feet.

(C) Nothing in this section shall imply the necessity of removing obstructions within this sight triangle, provided that these obstructions were installed or planted prior to the effective date of this ordinance. Routine trimming of shrubbery violating this height requirement shall be required, if the trimming will not endanger the health of the species.

Sec. 106-406.19 Location and Design of Fences

(A) Except as provided for in Sec. 106-402 and Sec. 106-406.17, fences may be constructed in any location, on any lot.

(B) On any lot occupied by a residential use type, fences located in front of the building line shall not exceed three and one half feet in height.

Sec. 106-406.21 Standards and Procedures for Review of Condominiums

(A) A subdivision plat shall be submitted to the City of Salem for any new residential, commercial or industrial condominium development, including the conversion of any existing development to the condominium form of ownership. This plat shall meet all standards for subdivision plats. Plats shall be reviewed by the subdivision agent who shall approve the plat provided it meets the provisions of this ordinance and the Salem Subdivision Ordinance.

(B) An approved owners' association shall be established for all condominium projects having individually owned structures or units, and common areas and facilities. The purpose of this association is for the provision of upkeep and maintenance of the common areas and facilities. The subdivision agent shall review the provisions of the association to insure compliance with this section.

**Sec. 106-406.23 Maintenance of Established Building Lines;
Establishment of Setback Lines for Certain Streets**

(A) Notwithstanding the minimum front yard setback requirements contained in Article II District Regulations, the following minimum front yard setbacks are established for the following streets:

Apperson Drive, both sides, Colorado Street to the east corporate limits: The setback line shall be 55 feet measured at right angles, from the established centerline of such street.

Boon Street, south side, Green Street east: The setback line shall be 60 feet, measured at right angles, from the south right-of-way line of such street.

Boulevard-Roanoke, both sides, Fourth Street to the east corporate limits: The setback line shall be 55 feet, measured at right angles, from the established centerline of such street.

North Broad Street, both sides, Main Street to Corbett Street: the setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Burwell Street, both sides: the setback line shall be 40 feet, measured at right angles, from the established centerline of such street.

Calhoun Street, both sides: The setback line shall be 25 feet, measured at right angles, from the established centerline of such street.

Clay Street, both sides: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Cleveland Avenue, both sides, Craig Avenue to High Street: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

College Avenue, both sides, Burwell Street to Ninth Street: The setback line shall be 42½ feet from the established centerline of such street.

Colorado Street, both sides, Calhoun Street to Boulevard-Roanoke: The setback line shall be 25 feet, measured at right angles, from the established centerline of such street.

Colorado Street, both sides, Eight Street to Apperson Drive: The setback line shall be 55 feet, measured at right angles, from the established centerline of such street.

Dalewood Avenue, both sides, Main Street to Garst Street: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Eighth Street, both sides: The setback line shall be 40 feet, measured at right angles, from the established centerline of such street.

Electric Road, both sides, East Main Street to Apperson Drive: The setback line shall be 55 feet from the established centerline of such street.

Fourth Street, both sides, Boulevard-Roanoke to West Main Street: The setback line shall be 40 feet, measured at right angles, from the established centerline of such street.

Hawthorn Road, both sides, High street to North Broad Street: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Hemlock Road, both sides, between Boulevard-Roanoke and Lynchburg Turnpike: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

High Street, both sides, Clay Street to North corporate limits: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Kesler Mill Road, west side, East Main Street to Norfolk and Western Railway Company Catawba Branch Line: The setback line shall be 60 feet from the western right-of-way line of the Catawba Branch Line.

Kesler Mill Road, east side, Norfolk and Western Railway Company Catawba Branch Line to the north corporate limits: The setback line shall be 60 feet from the eastern right-of-way line of the Catawba Branch Line.

Lynchburg Turnpike, both sides, East Main Street to east corporate limits: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Main Street, both sides, Academy Street and Union Street to Mill Lane: The setback line shall be 50 feet, measured at right angles, from the established centerline of such street.

Main Street, both sides, Mill Lane to West corporate limits: The setback line shall be 55 feet, measured at right angles to the established centerline of such street

Main Street, both sides, Richfield Avenue to Lynchburg Turnpike: The setback line shall be 40 feet, measured at right angles, from the established centerline of such street.

Main Street, both sides, Lynchburg Turnpike to east corporate limits: The setback line shall be 55 feet, measured at right angles from the established centerline of such street.

Maple Street, both sides: The setback line shall be 25 feet, measured at right angles, from the established centerline of such street.

Midland Street, both sides, Electric Road to Norfolk and Western Railway Company right-of-way: The setback line shall be 30 feet, measured at right angles, to the established centerline of such street.

Mill Lane, both sides, Main Street to south corporate limits: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

North Mill Road, both sides, Kesler Mill Road to north corporate limits: The setback line shall be 30 feet, measured at right angles from the established centerline of such street.

Red Lane, both sides, Hawthorn Road to north corporate limits: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Riverland Drive, both sides, Apperson Drive to Riverside Drive: The setback line shall be 25 feet, measured at right angles, from the established centerline of such street.

Riverland Drive, both sides, Colorado Street to Apperson Drive: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Shanks Street, both sides, Main Street to Carrollton Avenue: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Springfield Avenue, both sides, Electric Road to east corporate limits: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

Texas Street, both sides, Boulevard-Roanoke to Electric Road: The setback line shall be 55 feet, measured at right angles, from the established centerline of such street.

Union Street, both sides, Main Street to Eddy Avenue: The setback line shall be 30 feet, measured at right angles, from the established centerline of such street.

White Oak Street, both sides, Burwell Street to Fourth Street: The setback line shall be 25 feet, measured at right angles, from the established centerline of such street.

ARTICLE V ADMINISTRATION

Sec. 106-500 Zoning Administrator; Powers And Duties

(A) The administrator, or his designee, shall have the following powers and duties:

1. *Zoning permit.* To issue or deny a zoning permit for the erection, reconstruction, moving, adding to or alteration of any structure, or the establishment of any land use. The administrator shall also have the authority to revoke any zoning permit if violations of the provisions of this ordinance occur.

2. *Certificate of zoning compliance.* To issue or deny a certificate of *zoning compliance* certifying construction and use in accordance with this ordinance.

3. *Collect fees.* To collect any fees required or set forth in this ordinance.

4. *Making and keeping records.* To make and keep all records required by state law or necessary and appropriate for the administration of this ordinance.

5. *Inspection of buildings or land.* To inspect any building or land to determine if violations of this ordinance have been committed or exist.

6. *Enforcement.* To enforce this ordinance and take all necessary steps to remedy any condition found in violation of the provisions of this ordinance.

7. *Request assistance.* To request the assistance of other local and state officials or agencies in the administration and enforcement of this ordinance.

8. *Interpretation.* To interpret the official zoning map and provisions of this ordinance, and offer written opinions on their meaning and applicability.

(B) The administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include: (1) ordering in writing the remedying of any condition found in violation of the ordinance; (2) insuring compliance with the ordinance, bringing legal action, including injunction,

abatement, or other appropriate action or proceeding subject to appeal pursuant to Sec. 15.2-2311 of the Code of Virginia; and (3) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under Sec. 15.2-2307 of the Code of Virginia.

(C) The administrator may be authorized to grant a maximum of a ten (10) percent, or a maximum of a one (1) foot variance (whichever is less) from any building setback requirement contained in the zoning ordinance if the administrator finds in writing that: (1) the strict application of the ordinance would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (3) the authorization of the variance will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the variance. Prior to the granting of a variance, the administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for variance, and an opportunity to respond to the request within 21 days of the date of the notice. If any adjoining property owner objects to said request in writing within the time specified above, the request shall be transferred to the Board of Zoning Appeals for decision.

Sec. 106-502 Planning Commission Powers, Duties And Composition

(A) The Commission shall have the right to exercise all of the powers and duties authorized by Sec. 15.2, Chapter 22 of the Code of Virginia, as amended.

(B) Consistent with Chapter 62 of the Charter of the City of Salem, the Commission shall be composed of not less than five nor more than seven members, who shall be appointed by the Council. All of such members shall be residents of the city and freeholders qualified by knowledge and experience to make decisions on questions of community growth and development. The members of the Commission shall serve for staggered terms of four years each.

(C) The Commission shall develop, adopt and maintain bylaws that govern its operation.

Sec.106-504 Zoning Permits

(A) A zoning permit shall be required for the erection, construction, reconstruction, moving, adding to, or alteration of any structure, or the establishment of any land use, except as listed below:

1. Patios

2. Fences

(B) It shall be the responsibility of the applicant to provide any information necessary for the administrator to determine that the proposed use, building, or structure complies with all provisions of this ordinance.

(C) For any use, building, or structure requiring an approved site plan, no zoning permit shall be issued, until such time as a site plan is submitted, reviewed and approved in accordance with Sec. 106-400 of this ordinance.

(D) For uses or structures not requiring an approved site plan, the administrator shall determine, in accordance with this ordinance, the type of information necessary to review the permit. At a minimum, a concept plan shall be required meeting the standards established by the administrator.

(E) All zoning permits issued shall be valid for a period of six months, unless the structure, use or activity for which the permit was issued has commenced. The administrator may reissue any expired permit provided the structure, use and or activity complies with all applicable provisions of the ordinance at the time of reissuance.

(F) The administrator shall have the authority to approve the form and content of zoning permit applications.

Sec. 106-506 Building Permits; Relation To Zoning

(A) No building permit for the extension, erection, or alteration of any building or structure shall be issued before an application has been made and a zoning permit has been issued. No new or modified building or structure shall be occupied or used, or any new land use established until a certificate of zoning compliance has been issued by the city.

Sec 106-508 Certificates Of Zoning Compliance

(A) A certificate of zoning compliance shall be required for any of the following:

1. Occupancy or use of a building that has been hereafter erected, enlarged, or structurally altered.
2. Change in the use or occupancy of an existing building.
3. Occupancy or change in the use of vacant land except for agricultural uses not involving structures.
4. Any change in a nonconforming use, or any alteration of a nonconforming building or structure.

(B) No such occupancy, use, or change in use shall take place until a certificate of zoning compliance has been issued by the city. Such certificate shall certify that the building or the proposed use, or the use of land complies with the provisions of this ordinance.

(C) If a certificate of zoning compliance is denied by the city, the city shall notify the owner or owners agent of the denial. Said notice shall state the reasons for the denial, and the specific actions required on the part of the owner before the certificate of zoning compliance can be issued.

Sec. 106-510 Temporary or Partial Certificates of Zoning Compliance

(A) When a building, structure, or property must be occupied or used prior to the completion of all improvements required by this ordinance, the city may issue a temporary or partial certificate of zoning compliance for the property, upon the request of the owner or owner's agent. Temporary or partial certificates of zoning compliance shall be valid for a period not to exceed eight months, during which time, all improvements required by this ordinance must be made.

(B) The city shall not issue a temporary or partial certificate of zoning compliance unless:

1. The site and building is in a safe and useable condition, free from conditions that might endanger the health, safety or welfare of persons using the site.
2. The owner or authorized agent provides the city a performance guarantee guaranteeing completion of all required improvements. This guarantee shall be payable to the city in an amount determined by the city to be sufficient to complete all required improvements within eight months of the issuance of the temporary or partial certificate of zoning compliance.
3. The performance guarantee may be in the form of a corporate surety bond, cash, irrevocable letter of credit, or other instrument approved by the city.
4. The administrator may waive the performance guarantee if the value of the uncompleted improvements is less than five-hundred dollars.
5. The administrator shall have the authority to grant an extension to the temporary or partial certificate of zoning compliance, provided all performance guarantees remain in effect.

Sec. 106-512 Fees

(A) Administrative review fees for all permits and procedures specified in this ordinance shall be established by Council.

Sec. 106-514 Enforcement

(A) The administrator shall have the responsibility for enforcing the provisions of this ordinance, and may, as necessary, solicit the assistance of other local and state officials and agencies to assist with this enforcement.

(B) Violators of the provisions of this ordinance shall be notified in writing of observed violations. The administrator shall state, in the written notice, the nature of the violation, the date that the violation was observed, and the remedy or remedies necessary to correct the violation. A reasonable time period will be established for the correction of the violation.

(C) If the administrator is not able to obtain compliance with these provisions, civil and or criminal procedures may be initiated in accordance with city law and procedures.

Sec. 106-516 Penalties

(A) Pursuant to Sec. 15.2-2286 (5) of the Code of Virginia, any violation of any provision of this ordinance shall be a misdemeanor punishable by a fine of not less than \$10.00 nor more than \$1000.00.

Sec. 106-518 Civil Penalties.

(A) Any owner of a building or premises where a violation of any provisions of this ordinance has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist, shall be punishable by a civil penalty.

(B) Any violation of the following scheduled provisions of this ordinance shall be subject to a civil penalty in an amount and timing not to exceed that authorized by Sec.

15.2-2209 of the Code of Virginia, as amended. Council shall establish the amount of the civil penalty.

List Schedule of Violations Subject To Civil Penalties

1. (Reserved)
2. (Reserved)

(C) Each day during which a violation is found to exist shall be a separate offense. However, the same violation arising from the same operative set of facts may be charged not more than once in a ten (10) day period, and the total civil penalties from a series of such violations arising from the same set of operative facts shall not exceed five thousand dollars (\$5,000.00)

(D) The issuance of a civil penalty for a particular violation of the zoning ordinance pursuant to this section shall be in lieu of criminal sanctions except when such violation results in injury to any person or persons.

(E) The administrator, or the administrator's designee, may issue a civil summons for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the city treasurer prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offence charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court.

(F) If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. A finding of liability shall not be deemed a criminal conviction for any purpose.

(G) No provision herein shall be construed to allow the imposition of civil penalties for (1) activities related to land development or (2) for violation of any provision of a local ordinance relating to the posting of signs on public property or public rights-of-way.

Sec. 106-520 Amendments To Ordinance

(A) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the city Council may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments may be initiated by:

1. Resolution of the Council, or;
2. Motion of the Commission, or;
3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property which is the subject of the proposed zoning map amendment. Any petition submitted shall be in writing and shall be addressed to Council.
4. Any person may submit suggestions for zoning ordinance text amendments to the administrator. The administrator shall forward these requests to the Commission for their review. The Commission shall be under no obligation to schedule a public hearing on any such amendment request, except that the Council may direct the Commission to hold a public hearing on any text amendment request.

(B) The administrator shall establish a schedule for the receipt of amendment applications. The administrator shall also establish and maintain the amendment application materials. These application materials shall, at a minimum, include any information the administrator deems necessary for the city staff, Commission and Council to adequately evaluate the amendment request. A concept plan shall accompany all map amendment requests. The administrator shall establish minimum standards for concept plans.

(C) The administrator shall not accept any amendment application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from the Board of Zoning Appeals. If a variance is granted, the administrator shall thereafter accept the amendment application for the consideration of the Commission and Council.

(D) If the Council denies any amendment application submitted for its review, or the application is withdrawn

after Council consideration, the city shall not consider substantially the same application for the same property within one year of the Council action. The administrator shall have the authority to determine whether new applications submitted within this one year period are substantially the same. In making any such determination the administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.

Sec. 106-520.1 Commission Study And Action.

(A) All proposed amendments to the zoning ordinance shall be referred by the Council to the Commission for study and recommendation. The Commission shall study proposals to determine:

1. Whether the proposed amendment conforms to the general guidelines and policies contained in the city's comprehensive plan.

2. The relationship of the proposed amendment to the purposes of the general planning program of the city, with appropriate consideration as to whether the change will further the purposes of this ordinance and the general welfare of the entire community.

3. The need and justification for the change.

4. When pertaining to a change in the district classification of property, the effect of the change, if any, on the property, surrounding property, and on public services and facilities. In addition, the Commission shall consider the appropriateness of the property for the proposed change as related to the purposes set forth at the beginning of each district classification.

(B) Prior to making any recommendation to the Council on a proposed amendment to the zoning ordinance, the Commission shall advertise and hold a public hearing in accordance with the provisions of Sec. 15.2-2204 of the Code of Virginia, as amended.

(C) The Commission shall review the proposed amendment and report its findings and recommendations to the Council

along with any appropriate explanatory materials within 100 days after the first Commission meeting after the proposed zoning ordinance amendment is referred to the Commission. Failure of the Commission to report to the Council shall be deemed a recommendation of approval. If the Commission does not report within the prescribed time, the Council may act on the amendment without the recommendation of the Commission.

(D) Any recommendation of the Commission shall be deemed advisory, and shall not be binding on the Council.

Sec. 106-520.3 Council Study And Action

(A) Before enacting any proposed amendment to the zoning ordinance, the Council shall hold a public hearing as required by Sec. 15.2-2204, with public notice as required by Sec. 15.2-2204 and Sec. 15.2-2285 of the Code of Virginia, as amended. The Council may hold a joint public hearing with the Commission. After holding this hearing, the Council may make appropriate changes to the proposed amendment; provided however that no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public notice as required by Sec. 15.2 - 2204

(B) The Clerk of Council shall transmit to the administrator official notice of any Council action modifying the zoning ordinance. The administrator shall thereafter have the responsibility to make any necessary and appropriate changes to the zoning ordinance text or map.

Sec 106-520.5 Posting of Property

(A) The city may require that properties proposed for public hearing before the Commission or Board of Zoning Appeals, under the requirements of this ordinance, shall be posted with a notice announcing the nature, and the date, time and place of the public hearing. This posting requirement shall be in addition to the public hearing and notice requirements imposed by Sec. 15.2-2204 of the Code of Virginia.

(B) The city shall prepare the notice of hearing and shall post said notice on the property or properties that are the subject of the hearing. The posting shall be accomplished

at least ten days before the date of the proposed public hearing. The administer shall determine the number of notices required to meet the intent of this section. All notices posted shall be clearly visible from abutting rights of way.

(C) The unauthorized removal or damage of the notices prior to the advertised public hearing, due to weather or legitimate vandalism, shall not violate the public notice intent of this section.

Sec. 106-522 Conditional Zoning

(A) In accordance with the authority granted to the city per Sec. 15.2-2297 of the Code of Virginia, the owner of property for which a zoning map amendment is requested, may voluntarily proffer in writing reasonable conditions that are in addition to the regulations of the requested zoning district. All proffered conditions must be signed by the owner of the property.

(B) The city's acceptance of proffered conditions shall be in accordance with the procedures and standards contained in Sec. 15.2-2297 of the Code of Virginia.

(C) All conditions proffered by the owner shall meet the following standards:

1. The rezoning itself must give rise for the need for the conditions.
2. The conditions shall have a reasonable relation to the rezoning.
3. The conditions shall not include a cash contribution to the locality.
4. The conditions must not provide for mandatory dedications for public facilities not otherwise provided for in 15.2-2241 of the Code of Virginia.
5. The conditions must not require the mandatory creation of a property owner's association under Chapter 26 Title 55 of the Code of Virginia.

6. The conditions must not include payment for, or construction of, off site improvements except those provided for in Sec. 15.2-2241 of the Code of Virginia.

7. All conditions proffered shall relate to the physical development or operation of the property.

8. All such conditions shall be in accordance with the comprehensive plan.

(D) All such conditions must be submitted to the city, in writing, before the start of the Council's public hearing.

(E) The Commission and Council shall not be obligated to accept any or all of the conditions proffered by the owner.

Sec. 106-522.1 Enforcement of Conditions

(A) The administrator shall have the authority on behalf of the Council to administer and enforce conditions accepted as part of any approved zoning map amendment. This authority shall include:

1. The ordering in writing of the remedy of any non-compliance with such conditions.

2. The bringing of legal action to insure compliance with such conditions

(B) Failure of a property owner to meet all conditions accepted by the Council shall constitute cause to deny approval of a site plan, or deny issuance of a building permit, zoning permit or certificate of zoning compliance, as may be appropriate.

Sec. 106-522.3 Records of Conditions

(A) The zoning map shall show, by an appropriate symbol, the existence of conditions on those properties for which conditions have been accepted. The administrator shall keep an index of those properties and conditions. The index shall provide for ready access to the ordinance creating the conditions.

Sec. 106-522.5 Review of Administrators Decisions

(A) Any person aggrieved by a decision of the administrator pursuant to the provisions of Sec. 106-522.1 may petition the Council for a review of the decision of the administrator. All such petitions, stating the nature of the grievance, shall be filed with the administrator within thirty days of the date of the decision for which a review is sought.

Sec. 106-522.7 Amendments of Conditions

(A) Any request by an applicant to amend conditions that were voluntarily proffered and accepted by the Council shall be considered a new amendment to the zoning ordinance and shall be reviewed pursuant to the provisions of Sec. 106-520

Sec. 106-524 Special Exception Permits And Use Not Provided For Permits

(A) The procedures and standards contained in this section shall apply to all uses specifically permitted as special exceptions in the district regulations found elsewhere in this ordinance. These procedures and standards shall also apply for all requests for Use Not Provided For Permits, authorized under the provisions of this ordinance.

(B) Special Exceptions are hereby established in recognition that in addition to uses permitted by right, certain uses may, depending on their scale, design, location and conditions imposed by Council, be compatible with existing and future land uses in the district.

(C) Use not provided for permits are hereby established in recognition that this ordinance may not be sufficiently detailed to list all possible land uses. When a land use is proposed that is not listed in Article II of this ordinance, and/or is not a permitted use by right or by special exception in any zoning district contained in this ordinance, the Council shall have the authority under the following provisions to consider the scale, design, and location of the non-listed land use and determine its compatibility with existing and future land uses in the district.

(D) The review and subsequent approval or disapproval of a special exception or a use not provided for permit, shall be considered a legislative act, and shall be governed by the procedures thereof.

Sec. 106-524.1 General Standards

(A) The administrator shall not accept any special exception application nor any use not provided for permit application for any lot or acreage that does not meet the minimum size, width and/or frontage requirements of the district where the use is proposed. In addition, the administrator shall not accept any special exception application for a lot or acreage that does not meet the minimum size, width and/or frontage requirements of any applicable use and design standards for the use as listed in Article III of this ordinance. In such situations, the applicant shall first seek a variance from the Board of Zoning Appeals. If a variance is granted, the administrator shall thereafter accept the special exception or use not provided for permit application for consideration by the Commission and Council.

(B) No special exception permit, or use not provided for permit shall be issued by the Council unless the Council shall find that in addition to conformity with any standards contained in Article III Use and Design Standards, the proposed special exception or use not provided for, shall conform with the following general standards. These standards shall be met either by the proposal as submitted and thereafter revised by the applicant, or by the proposal as modified or amended as part of the review of the application by the Commission or Council.

1. The proposal as submitted or modified shall generally conform to the latest comprehensive plan of the city of Salem.

2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impacts shall be evaluated with consideration to items such as, but not limited to, traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, consideration shall be given to the timing of the operation, site design, access, screening, and or other

matters that might be regulated to mitigate adverse impacts.

Sec. 106-524.3 Application Requirements

(A) An application for a special exception permit or use not provided for permit, may be initiated by:

1. Resolution of the Council;
2. Motion of the Commission;
3. Petition of the owner, owner's, agent, or contract purchaser with the owner's written approval.

(B) Applicants shall provide at the time of application, information and or data to demonstrate that the proposed use will be in harmony with the purposes of the specific zoning district in which it will be located. The applicant shall also have the responsibility to demonstrate that the proposed use will have minimum adverse impact on adjoining property and the surrounding neighborhood.

(C) All applications shall show the nature and extent of the proposed use and development. If phased development is envisioned, all phases shall be shown at the time of the original application.

(D) The administrator shall establish and maintain special exception and use not provided for application materials. At a minimum, these materials shall require the submittal of a concept plan. Concept plans shall be developed to standards established by the administrator.

Sec. 106-524.5 Review and Action

(A) City of Salem staff shall review all applications submitted. This review shall evaluate the proposal against the city's comprehensive plan and any specific or general standards for the use. The staff shall make a report of its findings and transmit the report to the Commission.

(B) The Commission shall review and make recommendations to the Council concerning the approval or disapproval of any special exception or use not provided for permit. No such recommendation shall be made until after a public hearing is held in accordance with Sec. 15.2- 2204 of the

Code of Virginia, as amended. Posting of the property announcing the public hearing shall be done in accordance with Sec. 106 - 520.5 of this ordinance.

The Commission shall base its recommendation upon the review of submitted application materials, specific and general criteria contained in this ordinance, public comment received at the public hearing, and the information and evaluation of the city staff. In making a recommendation to the Council, the Commission may recommend any conditions necessary to insure that the proposal is compatible with the surrounding neighborhood and community. However, any such conditions shall relate to the design, scale, use or operation of the proposed special exception or use not provided for. Where, warranted, any such conditions may exceed specific standards found elsewhere in this ordinance.

(C) The Council may grant or deny any application for a special exception or use not provided for permit. No such action shall be taken until the Council receives the recommendation of the Commission and a Council public hearing is held in accordance with Sec. 15.2- 2204 of the Code of Virginia, as amended.

In approving any special exception or use not provided for permit, the Council, may require and attached any conditions necessary to insure that the proposal is compatible with the surrounding neighborhood and community. However, any such conditions shall relate to the design, scale, use or operation of the proposed special exception or use not provided for. Where, warranted, any such conditions may exceed specific standards found elsewhere in this ordinance.

Sec. 106-524.7 Time Limitations

(A) The Commission shall make a recommendation and report its findings to the Council within 100 days from the date that the proposed special exception or use not provided for permit application is referred to the Commission. Failure of the Commission to report to the Council within 100 days shall be deemed a recommendation of approval, and the council may act on the application without a recommendation from the Commission.

Sec. 106-526 Non-Conforming Uses And Structures, Generally

(A) Within the zoning districts established by this ordinance, or by future amendments which may be adopted, or by legitimate and legal actions taken by the Council or other governmental agency, there exist lots, parcels, structures, uses of land and structures, and characteristics of site design and/or use which were lawful before this ordinance was adopted or amended, but which would be prohibited under the terms of this ordinance or future amendment. Such structures uses and characteristics, or any combination thereof, are considered nonconformities, and are hereby declared by the Council to be inconsistent with the character of the districts in which they occur.

(B) Nonconformities are permitted to remain until removed, discontinued, or changed to conform to the provisions of this ordinance. It is the intent of this ordinance that the continuance of nonconformities should not be indefinite, and that the nonconforming structures, uses, or characteristics, should gradually be removed.

(C) Nothing shall be construed to grant conforming status to uses or structures that existed as legal nonconforming uses prior to the adoption of this ordinance, or amendment thereto, unless such uses or structures now conform to all applicable provisions of this ordinance.

Sec. 106-526.1 Nonconformities; Relationship to Vested Rights

(A) Nothing in this ordinance shall impair any vested right. Pursuant to Sec. 15.2-2307 of the Code of Virginia, a landowner's rights shall be deemed vested and shall not be affected by the subsequent amendment of the zoning ordinance if all of the following occur:

1. The landowner obtains or is the beneficiary of a significant affirmative governmental act.
2. The landowner relies in good faith on a significant affirmative governmental act.
3. The landowner incurs extensive obligations, or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

Sec. 106-526.3 Nonconforming Uses of Buildings, Structures or Land

(A) Where at the effective date of this ordinance or amendments thereto, lawful use exists of buildings, structures, or land, individually or in combination, which use is no longer permissible under the terms of this ordinance as enacted or amended, such use may be continued provided:

1. The use is not discontinued for more than two years.
2. The use is not converted or replaced, in whole or in part by a use permitted in the district regulations.
3. The building or structures containing the nonconforming use are maintained in their then structural condition.

If buildings or structures containing a nonconforming use are enlarged, extended, reconstructed, or structurally altered, or if a nonconforming use of land is enlarged, or expanded in area, the use of the building, structure or land shall legally conform to the regulations of the zoning district in which they are located.

(B) No nonconforming use shall be enlarged, intensified, or increased, nor intensified to occupy a larger structure or building, than was occupied at the effective date of this ordinance.

(C) No nonconforming use shall be moved in whole or in part to any portion of the lot or acreage unoccupied by such use at the time of the adoption or subsequent amendment of this ordinance.

(D) No building or structure conforming to the requirements of this ordinance shall be erected in connection with the nonconforming use of land.

(E) Where nonconforming use status applies to a building or structure, removal of the building or structure, or damage from any cause to an extent of more than fifty percent of replacement cost at the time of damage, shall eliminate the nonconforming status of the building or structure or land.

Sec. 106-526.5 Nonconforming Buildings and Structures

(A) Where a lawful building or structure exists at the time of the adoption or amendment of this ordinance, which could not be built under the terms of this ordinance, by reasons of restrictions on area, bulk, lot coverage, height, yards, or other characteristics of the building or structure, or its location on a lot, such building may be continued so long as it remains otherwise lawful provided:

1. No building or structure shall be enlarged in any way which increases or extends its nonconformity.
2. Any building or structure which is damaged by any means to an extent of more than fifty percent of its replacement cost at the time of damage, shall be reconstructed only in conformity with the provisions of this ordinance.
3. Any building or structure which is moved for any reason, for any distance , shall thereafter conform to the regulations of the district in which it is located after it is moved.

(B) Any landowner or homeowner may remove a valid nonconforming manufactured home from a manufactured home park and replace that home with another comparable manufactured home that meets the current HUD manufactured housing code. A single section home may be replaced with a single section home and a multi-section home may replace a multi-section home.

(C) The owner of any valid nonconforming manufactured home, either single or multi-section not located in a manufactured home park may replace that home with a newer manufactured home, either single or multi-section, that meets the current HUD manufactured home code. Any such replacement home shall retain the valid nonconforming status of the prior home.

Sec. 106-526.7 Nonconforming Site Designs

(A) If a zoning permit is requested for any type of modification to an existing structure or site, no legal nonconforming site design planned, approved, and constructed prior to the adoption of this ordinance shall be required to comply in full with the provisions of this ordinance. Only those site improvements directly related

to, or affected by the modified use, structure or activity, shall be required to comply in full with the provisions of this ordinance.

Sec. 106-528 Board Of Zoning Appeals

(A) The Salem Board of Zoning Appeals shall consist of five members, and up to three alternates who shall be appointed by the Circuit Court. Composition of the BZA shall be in accordance with Sec. 15.2-2308 of the Code of Virginia, as amended.

Sec. 106-528.1 Powers and Duties

(A) The BZA shall have the power and duty to hear and decide appeals from any written order, requirement, decision, or determination made by any administrative officer in the administration or enforcement of this ordinance. No such appeal shall be heard except after notice and hearing as provided by Sec. 15.2-2204 of the Code of Virginia, as amended.

(B) The BZA shall have the power and duty to authorize upon appeal or original application in specific cases a variance from the terms of this ordinance as will not be contrary to the public interest, when, owing to special conditions a literal enforcement of this ordinance will result in unnecessary hardship. No such variance shall be granted unless the spirit of the ordinance shall be observed and substantial justice done. To legally grant a variance, the BZA must be presented evidence and make a finding that:

1. A property owner acquired the property in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of the property at the time of the adoption of this ordinance, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the property, the strict application of this ordinance would effectively prohibit, or unreasonably restrict the use of the property, or;
2. Due to the condition, situation, or development of immediately adjacent property, the strict application of this ordinance would effectively prohibit, or unreasonably restrict the use of the property, or;

3. That the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

All variances granted must be in harmony with the intended spirit and purpose of this ordinance. Specifically, the BZA must find that the strict application of the ordinance would produce undue hardship. This hardship must not be shared by other properties in the same zoning district and in the same vicinity. The BZA must find that the granting of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance. Finally, the BZA must not grant a variance unless it finds that the condition or situation of the property is not so general or recurring a nature as to make reasonably practical the formulation of a general regulation to be adopted as an amendment to this ordinance.

No variance request shall be evaluated by the BZA until after notice and hearing as provided by Sec. 15.2-2204 of the Code of Virginia, as amended. In addition, posting of the property shall be required as provided for in Sec. 106-520.5 of this ordinance.

In granting a variance, the BZA may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest, and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

(C) The BZA shall have the power and duty to hear and decide appeals from any written decision of the administrator. No such appeal shall be heard except after notice and hearing as provided by Sec. 15.2-2204 of the Code of Virginia, as amended.

(D) The BZA shall have the power and duty to hear and decide applications for interpretation of the official zoning map where the administrator believes there is uncertainty as to the location of a district boundary. No such determination shall be made except after notice and hearing as provided by Sec. 15.2-2204 of the Code of Virginia, as amended. Any property owner affected by a determination of the location of the boundary must be

notified by first class mail prior to any such determination. After notice and hearing the BZA may interpret the map in such a way to carry out the intent and purpose of this ordinance, however the BZA shall not have the power to change substantially the locations of the district boundaries as established by this ordinance. This authority of the BZA to determine the location of district boundaries shall not be construed as the power to rezone property.

Sec. 106-528.3 Applications for Variances

(A) Applications for variances may be made by any property owner, tenant, government official, department, or board or bureau of the city. All applications shall be submitted to the administrator in accordance with rules adopted by the BZA. All applications and accompanying maps, plans or other information shall be transmitted promptly to the secretary of the BZA who shall place the application on the agenda to be acted upon by the BZA, within ninety (90) days of the filing of the application. No such application shall be heard except after notice and hearing as provided by Sec. 15.2-2204 of the Code of Virginia, as amended. The administrator may, and at the direction of the Commission shall, transmit notice of the variance application to the Commission, which may send a recommendation to the BZA, or appear as a party at the hearing.

Sec. 106-528.5 Applications for Appeals

(A) Appeals to the BZA may be taken by any person aggrieved or by any officer, department, board, or bureau of the city affected by any decision of the administrator, or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this ordinance. Appeals must be made within thirty (30) days after the entry of the decision appealed from by filing with the administrator and with the BZA, a notice of appeal, specifying the grounds thereof. The administrator shall forthwith transmit to the BZA all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrator certifies to the BZA that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed unless a restraining order

is granted by the BZA, or by a court of record, on application and on notice to the administrator and for good cause shown.

Sec. 106-528.7 Procedures for Variances and Appeal

(A) The BZA shall fix a reasonable time for the hearing of an appeal, give public notice thereof, as well as due notice to all parties of interest, and decide the same within ninety (90) days of the filing of the appeal. In exercising its power, the BZA may reverse or affirm, wholly or partly, or may modify an order, requirement, decision, or determination appealed from.

(B) The concurring vote of the majority of the BZA shall be necessary to reverse any order, decision, requirement, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which the BZA is required to pass under the terms of this ordinance, or to effect any variance from this ordinance.

(C) The BZA shall keep minutes of its proceedings and other official actions which shall be filed in the office of the administrator. All records shall be public records. The chairman of the BZA, or in his absence, the acting chairman, may administer oaths, and compel the attendance of witnesses.

Sec.106-528.9 Certiorari to Review Decision of BZA

(A) Any person jointly or separately aggrieved by any decision of the BZA, or any taxpayer or any officer, department, board or bureau of the city, may present to the circuit court of the city a petition specifying the grounds on which aggrieved. This petition must be filed within thirty (30) days of the BZA's decision.

(B) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the BZA and shall prescribe therein the time within which a return thereto must be made and served upon the relater's attorney, which shall not be less than ten (10) days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the BZA and on due cause shown, grant a restraining order.

(C) The BZA shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds appealed from and shall be verified.

(D) If upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take such evidence as it may direct, and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or in part, or may modify the decision brought up for review.

(E) Costs shall not be allowed against the BZA, unless it shall appear to the court that it acted in bad faith or with malice in making the decision appealed from. In the event the decision of the BZA is affirmed, and the court finds that the appeal was frivolous, the court may order the person or persons who requested the issuance of the writ of certiorari to pay the costs incurred in making a return of the record pursuant to the writ of certiorari.

ARTICLE VI DEFINITIONS AND USE TYPES

Sec. 106-600 Definitions

(A) For the purposes of this ordinance, the following rules of language shall apply:

The specific shall control the general.

The word *person* includes a firm, association, organization, partnership, trust, and company, as well as an individual.

The word *he* shall mean *she*, and *she* shall mean *he*.

The words *used* or *occupied* include the words intended, designed, or arranged to be used or occupied.

The word *lot*, shall include plot or parcel.

The present tense includes the future tense; the singular number includes the plural; the plural includes the singular.

The word *shall* is mandatory; the words *may* and *should* are permissive.

All public officials, bodies, and agencies referred to in this ordinance are those of the City of Salem Virginia, unless otherwise specifically indicated.

(B) Where terms in this ordinance are undefined, the meaning of the term shall be as ascribed in the most recent edition of Webster's Unabridged Dictionary, unless it is the opinion of the Administrator that based upon normal zoning practice, a different meaning shall apply.

(C) The words and terms listed below shall have the following meanings:

ABUTTING - Contiguous or adjoining; having property or zoning district lines in common, or separated by a right-of-way.

ACCESS - A means of approach, including ingress and egress.

ACCESSORY BUILDING OR STRUCTURE A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building.

ACCESSORY USE - A use of land, or a building or structure or portion thereof, customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use.

ACREAGE - A parcel of land, regardless of area, described by metes and bounds and not a lot shown on any recorded subdivision plat.

ADDITION - Any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

ALLEY - A right-of-way that provides secondary vehicle and service access to abutting properties that have frontage on one or more streets.

ALTERATION - Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

AMENDMENT - A modification to this ordinance, including the text or associated maps that has been approved by the Salem City Council.

ANTENNA - A communication device which transmits or receives electromagnetic signals. Antennas may be directional, including panels, and microwave dishes, and omni-directional including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached.

AWNING - A shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding,

or projecting from and supported by an exterior wall of a building.

BASE FLOOD - A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of being equaled or exceeded in any given year). Areas including the base flood are depicted as zones AE on the City of Salem's flood insurance rate map (FIRM).

BASE FLOOD ELEVATION (BFE) - The Federal Emergency Management Agency designated 100 year water surface elevation.

BASEMENT - A story partly underground and having at least one-half of its height above the average adjoining grade on all sides of the building or structure.

BERM - A landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

BOARD OF ZONING APPEALS - The term Board of Zoning Appeals shall refer to the City of Salem Board of Zoning Appeals, also referred to in this ordinance as BZA.

BUFFER YARD - A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

BUILDING - Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.

BUILDING COVERAGE - That portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

BUILDING, HEIGHT OF - The vertical distance above the average existing grade measured to the highest point of the

building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

BUILDING LINE - When viewed from above, the line, parallel to the street right-of-way, that passes through the point of the principal building nearest the street right-of-way, or in the case of the rear building line, furthest from the street right-of-way.

CELLAR - A story having more than one-half of its height below average adjoining grade on all sides of the building or structure.

CERTIFICATE OF ZONING COMPLIANCE - For the purposes of this ordinance, official certification that premises conform to all applicable provisions of the City of Salem zoning ordinance and may be lawfully used or occupied.

CHANNEL - A perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

CLUSTER SUBDIVISION: An alternative means of subdividing land that concentrates building density in specific areas to allow the remaining land to be reserved for the preservation of environmentally-sensitive features and open space.

COMMISSION - The term Commission shall mean the Planning Commission of the City of Salem, Virginia.

CONDOMINIUM - A building or group of buildings, created pursuant to the Virginia Horizontal Property Act, Sec. 55-79 et seq., Code of Virginia, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

CONSTRUCTION, NEW - Structures for which construction commenced on or after the effective date of this ordinance and including any subsequent improvements to such structures.

CONSTRUCTION, START - The date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means

either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure.

COUNCIL - The City Council of the City of Salem, Virginia

DECK - A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade. A deck may be constructed of any materials.

DEDICATION - The transfer of private property to public ownership upon written acceptance.

DENSITY - The number of dwelling units permitted per unit of land, commonly expressed as dwelling units per acre.

DEVELOPMENT - Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations. Within the Floodplain Overlay District this definition shall also include the storage of equipment or materials.

DISTRICT - A zoning district as described and permitted by Sec. 15.2-2280 et seq. of the Code of Virginia.

DRIVEWAY - A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

DWELLING UNIT - A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

EASEMENT - A portion of a lot or acreage reserved for present or future use by a person or entity other than the fee simple owner of the lot or acreage. Easements may exist on the ground, or under or above the lot or acreage.

ESTABLISHMENT - Any business, enterprise or other land use permitted by this ordinance.

FAMILY - One or more persons related by blood, marriage, or adoption, or under approved foster care, or a group of not more than four persons (including servants) living together as a single housekeeping unit.

FLOOD - A general and temporary inundation of normally dry land areas from:

- a. The overflow of inland waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source, or
- c. Mudslides (i.e. mudflows), which are approximately caused or precipitated by accumulations of water on or under the ground.
- d. The collapse or subsidence of land along a body of water as a result of erosion or undermining caused by water or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated form of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in this section.

FLOOD, ONE HUNDRED YEAR - A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

FLOODWAY FRINGE - That area characterized during floods by shallow, slow-moving water and represents a low hazard potential; more specifically, the floodway fringe is that area of the 100-year flood elevations contained in the flood profiles of the flood insurance study adopted by the City of Salem and as shown on the Flood Insurance Rate Map (FIRM) accompanying that study.

FLOODPLAIN - (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or, (2) an area subject to the unusual and rapid accumulation of run-off or surface waters from any source.

FLOOD PROOFING- any combination of structural and nonstructural additions, changes or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property and water and sanitary facilities, structures and their contents.

FLOODWAY - The stream channel and adjacent land area required to carry off the often fast-moving floodwaters of the base flood and is considered to be an area of high hazard potential; more specifically, the floodway is that certain area of the 100-year floodplain that must be reserved in order to discharge such floodwaters without increasing the water surface elevation of that flood more than one foot at any point. Floodways are defined in Table 2 of the flood insurance study adopted by the city and as shown on the Flood Insurance Rate Map (FIRM) accompanying that study.

FLOOR AREA, FINISHED - The sum of the horizontal areas of a building which is intended for human habitation and use and which has a floor to ceiling height of 6 1/2 feet or greater. Areas excluded from the finished floor area would include unfinished basements and attics, storage and utility rooms, and garages.

FLOOR AREA, GROSS - The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude interior parking and loading spaces, and airspace above atriums.

GARAGE, PRIVATE - A building for the private use of the owner or occupant of a principal residential building situated on the same lot as the principal building for the storage of motor vehicles.

GLARE - The effect produced by lighting, with a brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

LAND DISTURBING ACTIVITY - Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

LANDSCAPING - The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials.

LOADING SPACE, OFF-STREET - Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

LOT - A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.

LOT, CORNER - A lot located at the intersection of two or more streets or where lot lines or right-of-way lines, or the extension thereof, intersect at less than 135 degrees.

LOT COVERAGE - That portion of a lot, which when viewed from directly above, would be covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to storm water. Gravel parking areas shall be considered impervious. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

LOT, DEPTH OF - The average horizontal distance between front and rear lot lines. The average shall consist of the horizontal distances of the side lot lines and the distance of a line connecting the midpoints of the front and rear lot lines.

LOT, DOUBLE FRONTAGE - A lot, other than a corner lot, which has frontage on more than one street other than an alley. Double frontage lots may be referred to as through lots.

LOT, FRONTAGE - The horizontal distance between the side lot lines measured at the point where the side lot lines

intersect the street right-of-way. All sides of a lot which abuts a street shall be considered frontage. On curvilinear streets the arc between the side lot lines shall be considered the lot frontage.

LOT, INTERIOR - A lot, other than a corner lot, which has only one frontage on a street other than an alley.

LOT, IRREGULAR - A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this ordinance but meets these requirements by incorporating unusual elongation, angles, curvilinear lines unrelated to topography or other natural land features.

LOT, PIPESTEM - A panhandle or flag shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

LOT, WIDTH OF - The average horizontal distance between all side lot lines measured at a right angle, and at the midpoint of each side lot line.

LOT OF RECORD - A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the Clerk's office of the Circuit Court of the City of Salem.

LOWEST FLOOR - The lowest enclosed area, including basement, of any structure. An unfurnished or flood-resistant enclosure usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.

MODULAR HOME - A dwelling unit constructed on-site in accordance with the Virginia One and Two Family Dwelling Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

MONOPOLE - A single pole structure, usually self supporting, used to support antennas.

NATURAL WATERCOURSE - Any natural stream river, creek, waterway, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

NONCONFORMING BUILDING - Any building the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NONCONFORMING LOT - A lot, the area, dimensions or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NONCONFORMING USE - A use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

NOT-FOR-PROFIT - An organization or activity which has obtained nontaxable status from the U. S. Internal Revenue Service.

OFF-STREET PARKING AREA - Space provided for vehicular parking outside the dedicated street right-of-way.

OPEN SPACE - Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open Space may include, recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

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

Open Space may include, recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

OUTDOOR STORAGE - The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than twenty-four consecutive hours.

OVERLAY DISTRICT - A district established by this Ordinance to prescribe special regulations to be applied to a site in combination with the underlying or base district.

PATIO - A level surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

PORCH - A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

PRINCIPAL BUILDING OR STRUCTURE - A building or structure in which the primary use of the lot on which the building is located is conducted.

PRINCIPAL USE - The main use of land or structures as distinguished from a secondary or accessory use.

PRIVATE - Unless otherwise specifically indicated, private shall mean anything not owned, operated, provided and/or maintained by a local, state, or federal government.

PUBLIC - Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

PUBLIC WATER AND SEWER SYSTEMS - A water or sewer system owned and operated by: (1) a municipality or county; or, (2) a private individual or a corporation approved and properly licensed by the State Corporation Commission prior to the adoption date of this ordinance; and meeting the requirements of the State Health Department and/or Virginia Department of Environmental Quality.

RECREATIONAL VEHICLE - Recreational vehicle means a vehicle which is (1) Built on a single chassis; (2) Four hundred square feet or less when measured at the largest horizontal

projections; (3) Designed to be self-propelled or permanently towable by a light-duty truck; and (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation camping, travel or seasonal use.

REPLACEMENT COST - The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the City Assessor to determine the percentage of the cost of improvements.

RIGHT-OF-WAY - A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded.

SCREENING - A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to substantially, but not necessarily totally obscure visual impacts between adjoining uses.

SETBACK - The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

SHOPPING CENTER - A group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

SPECIAL EXCEPTION - A use with operating and/or physical characteristics different from those uses permitted by right in a given zoning district which may, nonetheless, be compatible with those by-right uses under special conditions and with adequate public review. Special Exceptions are allowed only at the discretion and approval of the Salem City Council following review and recommendation by the Salem Planning Commission.

STOOP - A platform, without a roof, located at the entrance of a building with sufficient area to facilitate the ingress and egress to the building.

STORY - That portion of a building included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling above it.

STREET - Any vehicular way which: (1) is an existing state or municipal roadway; or, (2) is shown on a plat approved pursuant to law; or, (3) is approved by other official action. The term street shall include road, and highway. Unless otherwise indicated, the term street shall refer to both public and private streets.

STRUCTURE - Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this ordinance.

SUBSTANTIAL DAMAGE - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before such damage occurred.

SUBSTANTIAL IMPROVEMENT - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either any project for improvement for a structure to comply with existing state or city health, sanitary or safety code specifications which are solely necessary to assure safe living condition, or any alteration of a structure listed on the National Register of Historic Places of the state landmarks register.

TELECOMMUNICATIONS - The transmitting and receiving of electromagnetic signals through the atmosphere.

USE NOT PROVIDED FOR PERMIT - A permit authorizing a land use that is not listed as a permitted use by right or by special use in any zoning district provided for in this ordinance. Use Not Provided for Permits are allowed only at the discretion and approval of the Salem City Council following review and recommendation by the Salem Planning Commission.

VARIANCE - A reasonable deviation from the provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure in accordance with Sec. 15.2-2201 of the Code of Virginia, as amended.

WATERCOURSE- A natural or artificial channel for passage or running water fed from natural sources in a definite channel and discharging into some stream or body of water.

YARD - A required open space on a lot, unoccupied and unobstructed from the ground upward, unless otherwise provided by this ordinance.

YARD, FRONT - A yard between the building line and the street right-of-way extending across the full width of the lot.

YARD, REAR - A yard between the rear line of the building and the rear line of the lot extending the full width of the lot.

YARD, SIDE - A yard between the side line of the building and the side line of the lot extending from the front lot line to the rear lot line.

ZONING ADMINISTRATOR - The Zoning Administrator of the City of Salem Virginia, or an authorized agent thereof, also referred to in this ordinance as the Administrator.

Sec. 106-602 Use Types

(A) The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted within various zoning

districts in the City of Salem. The Use Types section also facilitates the process of determining the applicable use type of any activity not explicitly defined.

(B) In the event of any question as to the appropriate use type of any existing or proposed use or activity, the Administrator shall have the authority to determine the appropriate use type. In making such determination, the Administrator shall consider the operational and physical characteristics of the use in question and shall consider the classification contained in the most recent edition of the North American Industry Classification System Manual published by the U. S. Office of Management and Budget. In addition, the Administrator shall consider the specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists. The Administrator may also determine that a proposed use or activity is sufficiently different from any use type listed below and will require an amendment to the text of this ordinance or the issuance of a Use Not Provided For Permit by the City of Salem Council.

(C) The Administrator shall make such determinations of appropriate use types in writing, which shall include an explanation of the reasons for the determination.

(D) A determination of the Administrator may be appealed to the Board of Zoning Appeals pursuant to the procedures for administrative appeals outlined in this ordinance.

Sec. 106-602.1 Agricultural Use Types

AGRICULTURE - The use of land for the production of food and fiber, including farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal and poultry husbandry. A garden accessory to a residence shall not be considered agriculture. The keeping of a cow, pig, sheep, goat, chicken or similar animal shall constitute agriculture regardless of the size of the animal and regardless of the purpose for which it is kept.

FARM STAND - An establishment for the seasonal retail sale of agricultural goods and merchandise primarily produced by the operator on the site, or on nearby property. Agricultural goods produced on other properties owned or

leased by the operator may also be allowed provided a majority of the produce comes from land surrounding the wayside stand. This use type shall include agricultural products picked by the consumer.

FORESTRY OPERATIONS - The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and/or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the City of Salem, which shall be considered accessory to the development of the property.

STABLE - The boarding, keeping, breeding, pasturing or raising of horses, ponies, mules, donkeys or llamas by the owner or occupant of the property and/or their paying or non-paying guests. Included in this definition are riding academies.

Sec. 106-602.3 Residential Use Types

ACCESSORY APARTMENT - A second dwelling unit within a detached single family dwelling which is clearly incidental and subordinate to the main dwelling unit.

FAMILY DAY CARE HOME - A single family dwelling in which more than five but less than 10 individuals, are received for care, protection and guidance during only part of a twenty-four hour day. Individuals related by blood, legal adoption or marriage to the person who maintains the home shall not be counted towards this total. The care of 5 or less individuals for portions of a day shall be considered a home occupation.

HOME OCCUPATION - An accessory use of a dwelling unit for gainful employment involving the production, provision, or sale of goods and/or services.

MANUFACTURED HOME - A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. A manufactured home shall contain one dwelling unit. Some

manufactured homes are also referred to as mobile homes.

MANUFACTURED HOME, ACCESSORY - A manufactured home that is subordinate to a single family dwelling on a single lot and meets the additional criteria contained in this ordinance.

MANUFACTURED HOME, EMERGENCY - A manufactured home used temporarily for the period of reconstruction or replacement of an uninhabitable dwelling lost or destroyed by fire, flood, or other act of nature, or used temporarily as housing relief to victims of a federally declared disaster in accordance with the provisions of this ordinance.

MANUFACTURED HOME SUBDIVISION - A ten acre or larger community of manufactured home dwellings with lots that are subdivided for individual ownership.

MANUFACTURED HOME PARK - A ten acre or larger tract of land intended to accommodate a manufactured home community of multiple spaces for lease or condominium ownership. A manufactured home park is also referred to as a mobile home park.

MULTI-FAMILY DWELLING - A building or portion thereof which contains three or more dwelling units for permanent occupancy, regardless of the method of ownership. Included in the use type would be garden apartments, low and high rise apartments, apartments for elderly housing and condominiums.

RESIDENTIAL HUMAN CARE FACILITY - A building used as a group home where not more than 8 mentally ill, mentally retarded or other developmentally disabled persons, not related by blood or marriage, reside, with one or more resident counselors or other staff persons and for which the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services is the licensing authority, pursuant to Sec. 15.2-2291 of the Code of Virginia. Excluded from this definition are drug or alcohol rehabilitation centers, half-way houses and similar uses.

SINGLE FAMILY DWELLING - A site built or modular building designed for or used exclusively as one dwelling unit for permanent occupancy.

DETACHED - A single family dwelling which is surrounded by open space or yards on all sides, is located on its own individual lot, and which is not attached to any other dwelling by any means.

ATTACHED - Two single family dwellings sharing a common wall area, each on its own individual lot.

TOWNHOUSE - A grouping of three or more attached single family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

TWO FAMILY DWELLING - The use of an individual lot for two dwelling units which share at least one common wall, each occupied by one family.

Sec. 106-602.5 Civic Use Types

ADMINISTRATIVE SERVICES - Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen. Typical uses include federal, state, county, and city offices.

ASSISTED CARE RESIDENCE - An establishment that provides shelter and services which may include meals, housekeeping, and personal care assistance primarily for the elderly. Residents are able to maintain a semi-independent life style, not requiring the more extensive care of a nursing home. Residents will, at a minimum, need assistance with at least one of the following: medication management, meal preparation, housekeeping, money management, or personal hygiene. At least one nurse's aid is typically on duty, with medical staff available when needed.

CAMPS - A use which primarily provides recreational opportunities of an outdoor nature on a daily or overnight basis. Included in this use type would be scout camps, religious camps, children's camps, wilderness camps, and similar uses which are not otherwise specifically described in this ordinance.

CEMETERY - Land used or dedicated to the burial of the dead, including columbariums, crematoriums, mausoleums, and

necessary sales and maintenance facilities. Funeral Services use types shall be included when operated within the boundary of such cemetery.

CLUBS - A use providing meeting, or social facilities for civic or social clubs, and similar organizations and associations, primarily for use by members and guests. Recreational facilities, unless otherwise specifically cited in this section, may be provided for members and guests as an accessory use. This definition shall not include fraternal or sororal organizations associated with colleges or universities. A Club does not include a building in which members reside.

COMMUNITY RECREATION - A recreational facility for use solely by the residents and guests of a particular residential development, planned unit development, or residential neighborhood, including indoor and outdoor facilities. These facilities are usually proposed or planned in association with development and are usually located within or adjacent to such development.

CORRECTION FACILITIES - A public or privately operated use providing housing and care for individuals legally confined, designed to isolate those individuals from a surrounding community.

CRISIS CENTER - A facility providing temporary protective sanctuary for victims of crime or abuse including emergency housing during crisis intervention for individuals, such as victims of rape, child abuse, or physical beatings.

CULTURAL SERVICES - A library, museum, or similar public or quasi-public use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

EDUCATIONAL FACILITIES, COLLEGE/UNIVERSITY - An educational institution authorized by the Commonwealth of Virginia to award associate, baccalaureate or higher degrees.

EDUCATIONAL FACILITIES, PRIMARY/SECONDARY - A public, private or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the Commonwealth of Virginia.

GUIDANCE SERVICES - A use providing counseling, guidance, recuperative, or similar services for persons requiring rehabilitation assistance or therapy for only part of a twenty-four hour day. This use type shall not include facilities operated for the treatment of drug addiction and substance abuse.

HALFWAY HOUSE - An establishment providing residential accommodations, rehabilitation, counseling, and supervision to persons suffering from alcohol or drug addiction, to persons reentering society after being released from a correctional facility or other institution, or to persons suffering from similar disorders or circumstances.

LIFE CARE FACILITY - A residential facility primarily for the continuing care of the elderly, providing for transitional housing progressing from independent living in various dwelling units, with or without kitchen facilities, and culminating in nursing home type care where all related uses are located on the same lot. Such facility may include other services integral to the personal and therapeutic care of the residents.

NURSING HOME - A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Nursing homes have doctors or licensed nurses on duty.

PARK AND RIDE FACILITY- A publicly owned, short-term, parking facility for commuters.

POST OFFICE - Postal services directly available to the consumer operated by the United States Postal Service.

PUBLIC ASSEMBLY - Facilities owned and operated by a public agency accommodating public assembly for sports, amusement, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, fairgrounds, and sales and exhibition facilities.

PUBLIC MAINTENANCE AND SERVICE FACILITIES - A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment

services centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

PUBLIC PARKS AND RECREATIONAL AREAS - Publicly-owned and operated parks, picnic areas, playgrounds, indoor or outdoor athletic facilities, greenways and open spaces.

RELIGIOUS ASSEMBLY - A use located in a permanent building and providing regular organized religious worship and related incidental activities, except primary or secondary schools and day care facilities.

SAFETY SERVICES - Facilities for the conduct of safety and emergency services for the primary benefit of the public, whether publicly or privately owned and operated, including police and fire protection services and emergency medical and ambulance services.

Sec. 106-602.7 Office Use Types

FINANCIAL INSTITUTIONS - Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are generally provided on site. Typical uses include banks, savings and loan associations, savings banks, credit unions, lending establishments and free-standing automatic teller machines.

GENERAL OFFICE - Use of a site for business, professional, or administrative offices, excluding medical offices/clinic. Typical uses include real estate, insurance, management, travel, computer software or information systems research and development, or other business offices; organization and association offices; or law, architectural, engineering, accounting or other professional offices. Retail sales do not comprise more than an accessory aspect of the primary activity of a General Office.

MEDICAL OFFICE/CLINIC - Use of a site for facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which does not provide overnight care or serve as a base for an ambulance service. Included in this definition shall be facilities operated for the treatment of drug addiction and substance abuse. Medical offices/clinics are operated by doctors, dentists, or

similar practitioners licensed by the Commonwealth of Virginia.

LABORATORIES - Establishments primarily engaged in performing research or testing activities into technological matters. Typical uses include engineering and environmental laboratories, medical, optical, dental and forensic laboratories, x-ray services, and pharmaceutical laboratories only involved in research and development. Excluded are any laboratories which mass produce one or more products directly for the consumer market.

Sec. 106-602.9 Commercial Use Types

AGRICULTURAL SERVICES - An establishment primarily engaged in providing services specifically for the agricultural community which is not directly associated with a farm operation. Included in this use type would be servicing of agricultural equipment, independent equipment operators, and other related agricultural services.

ANTIQUÉ SHOPS - A place offering primarily antiques for sale. An antique for the purposes of this ordinance shall be a work of art, piece of furniture, decorative object, or the like, of or belonging to the past, at least 30 years old.

ASSEMBLY HALL- A building, designed and used primarily for the meeting or assembly of a large group of people for a common purpose. Typical uses include meeting halls, union halls, bingo parlors, and catering or banquet facilities.

AUTOMOBILE DEALERSHIP, NEW - The use of any building, land area or other premise for the display of new and used automobiles, trucks, vans, or motorcycles for sale or rent, including any warranty repair work and other major and minor repair service conducted as an accessory use.

AUTOMOBILE DEALERSHIP, USED - Any lot or establishment where three or more used motor vehicles, including automobiles, trucks, and motorcycles are displayed at one time for sale.

AUTOMOBILE REPAIR SERVICES, MAJOR - Repair of construction equipment, commercial trucks, agricultural implements and similar heavy equipment, including automobiles, where major

engine and transmission repairs are conducted. This includes minor automobile repairs in conjunction with major automobile repairs. Typical uses include automobile and truck repair garages, transmission shops, radiator shops, body and fender shops, equipment service centers, machine shops and other similar uses where major repair activities are conducted.

AUTOMOBILE REPAIR SERVICES, MINOR - Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include tire sales and installation, wheel and brake shops, oil and lubrication services and similar repair and service activities where minor repairs and routine maintenance are conducted.

AUTOMOBILE RENTAL/LEASING - Rental of automobiles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.

AUTOMOBILE PARTS/SUPPLY, RETAIL - Retail sales of automobile parts and accessories. Typical uses include automobile parts and supply stores which offer new and factory rebuilt parts and accessories, and include establishments which offer minor automobile repair services.

BUSINESS SUPPORT SERVICES - Establishments or places of business engaged in the sale, rental or repair of office equipment, supplies and materials, or the provision of services used by office, professional and service establishments. Typical uses include office equipment and supply firms, small business machine repair shops, convenience printing and copying establishments, as well as temporary labor services.

BUSINESS OR TRADE SCHOOLS - A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as an educational facility, either primary and secondary, or college and university.

CAMPGROUNDS - Facilities providing camping or parking areas and incidental services for travelers in recreational vehicles and/or tents.

CAR WASH - Washing and cleaning of vehicles. Typical uses include automatic conveyor machines and self-service car washes.

COMMERCIAL INDOOR AMUSEMENT - Establishments which provide multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring, and would include pool and/or billiard tables, whether or not they are coin operated. Typical uses include game rooms, billiard and pool halls, and video arcades.

COMMERCIAL INDOOR ENTERTAINMENT - Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, and concert or music halls.

COMMERCIAL INDOOR SPORTS AND RECREATION - Predominantly participant uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, indoor racquetball, swimming, and/or tennis facilities.

COMMERCIAL OUTDOOR ENTERTAINMENT - Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.

COMMERCIAL OUTDOOR SPORTS AND RECREATION - Predominantly participant uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquetball courts, motorized cart and motorcycle tracks, and motorized model airplane flying facilities.

COMMUNICATIONS SERVICES - Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded from this use type are facilities classified as Utility Services - Major or Towers. Typical uses include television studios, telecommunication service centers, telegraph service offices or film and sound recording facilities.

CONSTRUCTION SALES AND SERVICES - Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures, but specifically excluding automobile or equipment supplies otherwise classified herein. Typical uses include building material stores and home supply establishments.

CONSUMER REPAIR SERVICES - Establishments primarily engaged in the provision of repair services to individuals and households, rather than businesses, but excluding automotive and equipment repair use types. Typical uses include appliance repair shops, shoe repair, watch or jewelry repair shops, or repair of musical instruments.

CONVENIENCE STORE - Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, and limited household supplies and hardware. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and country stores.

DANCE HALL - Establishments in which more than 10 percent of the total floor area is designed or used as a dance floor, or where an admission fee is directly collected, or some other form of compensation is obtained for dancing.

DAY CARE CENTER - Any facility operated for the purpose of providing care, protection and guidance to 10 or more individuals during only part of a twenty-four hour day. This term includes nursery schools, preschools, day care centers for individuals, and other similar uses but excludes public and private educational facilities or any facility offering care to individuals for a full twenty-four hour period.

EQUIPMENT SALES AND RENTAL - Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar industrial equipment, and the rental of mobile homes. Included in this use type is the incidental storage, maintenance, and servicing of such equipment.

FLEA MARKET - Businesses engaged in the outdoor sale of used or new items, involving regular or periodic display of merchandise for sale.

FUNERAL SERVICES - Establishments engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals. Typical uses include mortuaries and crematories.

GARDEN CENTER - Establishments or places of business primarily engaged in retail or wholesale (bulk) sale, from the premises, of trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials primarily for agricultural, residential and commercial consumers. Such establishments typically sell products purchased from others, but may sell some material which they grow themselves. Typical uses include nurseries, plant stores and lawn and garden centers.

GASOLINE STATION - Any place of business with fuel pumps and gasoline storage tanks which provides fuels and oil for motor vehicles.

GOLF COURSE - A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded would be independent driving ranges and any miniature golf course.

HOMESTAY INN - A dwelling, occupied by the owner, in which not more than 5 bedrooms are provided for overnight guests for compensation, on daily or weekly basis, with or without meals. A Homestay Inn may also be known as a bed and breakfast.

HOSPITAL - A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis and including ancillary facilities for outpatient and emergency treatment diagnostic services, training, research, administration, and services to patients, employees, or visitors.

HOTEL/MOTEL/MOTOR LODGE - A building or group of attached or detached buildings containing lodging units intended primarily for rental or lease to transients by the day, week or month. Such uses generally provide additional services such as daily maid service, restaurants, meeting rooms and/or recreation facilities.

KENNEL, COMMERCIAL - The boarding, breeding, raising, grooming or training of dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

LAUNDRY - Establishments primarily engaged in the provision of laundering, cleaning or dyeing services other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

MANUFACTURED HOME SALES - Establishments primarily engaged in the display, retail sale, rental, and minor repair of new and used manufactured homes, parts, and equipment.

PERSONAL STORAGE - A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods.

PAWN SHOP - A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker and the incidental sale of such property.

PERSONAL IMPROVEMENT SERVICES - Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

PERSONAL SERVICES - Establishments or places of business engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include beauty and barber shops; grooming of pets; seamstresses, tailors, or shoe repairs; florists; and Laundromats and dry cleaning stations serving individuals and households.

RECREATIONAL VEHICLE SALES AND SERVICE - Retail sales of recreational vehicles and boats, including service and storage of vehicles and parts and related accessories.

RESTAURANT - An establishment engaged in the preparation and sale of food and beverages. Service to customers may be by counter or table service, or by take-out or delivery.

RETAIL SALES - Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications.

STUDIO, FINE ARTS - A building, or portion thereof, used as a place of work by a sculptor, artist, or photographer.

TRUCK STOP - An establishment containing a mixture of uses which cater to the traveling public and in particular motor freight operators. A truck stop might include such uses as fuel pumps, restaurants, overnight accommodations, retail sales related to the motor freight industry, and similar uses.

VETERINARY HOSPITAL/CLINIC - Any establishment rendering surgical and medical treatment of animals. Boarding of animals shall only be conducted indoors, on a short term basis, and shall only be incidental to such hospital/clinic use, unless also authorized and approved as a commercial kennel.

Sec. 106-602.11 Industrial Use Types

ASPHALT PLANT - An establishment engaged in manufacturing or mixing of paving materials derived from asphaltic mixtures or tar.

CONSTRUCTION YARDS - Establishments housing facilities of businesses primarily engaged in construction activities, including outside storage of materials and equipment. Typical uses are building contractor's yards.

CUSTOM MANUFACTURING - Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving the use of hand tools, or the use of mechanical equipment commonly associated with residential or commercial uses.

INDUSTRY, TYPE I - Establishments engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Type I Industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. A machine shop is included in this

category. Also included is the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, food, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, and any other product of a similar nature or requiring similar production characteristics.

INDUSTRY, TYPE II - Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Included in this use type are industries involved in processing and/or refining raw materials such as chemicals, rubber, wood or wood pulp, forging, casting, melting, refining, extruding, rolling, drawing, and/or alloying ferrous metals, and the production of large durable goods such as automobiles, manufactured homes, or other motor vehicles.

INDUSTRY, TYPE III - An establishment which has the potential to be dangerous or extremely obnoxious. Included are those in which explosives are stored, petroleum is refined, natural and liquid gas and other petroleum derivatives are stored and/or distributed in bulk, radioactive materials are compounded, pesticides and certain acids are manufactured, and hazardous waste is treated or stored as the establishment's principal activity.

LANDFILL, CONSTRUCTION DEBRIS - The use of land for the legal disposal of construction and demolition wastes consisting of lumber, wire, sheet rock, broken brick, shingles, glass, pipes, concrete, and metals and plastic associated with construction and wastes from land clearing operations consisting of stumps, wood, brush, and leaves.

LANDFILL, RUBBLE - The use of land for the legal disposal of only inert waste. Inert waste is physically, chemically and biologically stable from further degradation and considered to be non-reactive, and includes rubble, concrete, broken bricks, and block.

LANDFILL, SANITARY - The use of land for the legal disposal of municipal solid waste derived from households, business and institutional establishments, including garbage, trash, and rubbish, and from industrial establishments, other than hazardous wastes as described by the Virginia Hazardous Waste Regulations.

MEAT PACKING AND RELATED INDUSTRIES - The processing of meat products and byproducts directly from live animals or offal from dead animals.

RAILROAD FACILITIES - Railroad yards, equipment servicing facilities, and terminal facilities.

RECYCLING CENTERS AND STATIONS - A receptacle or facility used for the collection and storage of recyclable materials designed and labeled for citizens to voluntarily take source separated materials for recycling.

RESOURCE EXTRACTION - A use involving on-site extraction of surface or subsurface mineral products or natural resources. Typical uses are quarries, borrow pits, sand and gravel operation, mining, and soil mining. Specifically excluded from this use type shall be grading and removal of dirt associated with an approved site plan or subdivision, or excavations associated with, and for the improvement of, a bona fide agricultural use.

SCRAP AND SALVAGE SERVICES - Places of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, automotive wrecking yards, junk yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies.

TRANSFER STATION - Any storage or collection facility which is operated as a relay point for municipal solid waste which ultimately is to be transferred to a landfill.

TRANSPORTATION TERMINAL - A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of ground transportation, including bus terminals, railroad stations, and public transit facilities.

TRUCK TERMINAL - A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck. Included in the use type would be express and other mail and package distribution facilities, including such facilities operated by the U.S. post office.

WAREHOUSING AND DISTRIBUTION - Uses including storage, warehousing and dispatching of goods within enclosed structures, or outdoors. Typical uses include wholesale distributors, storage warehouses, moving/storage firms.

Sec. 106-602.13 Miscellaneous Use Types

AMATEUR RADIO TOWER - A structure on which an antenna is installed for the purpose of transmitting and receiving amateur radio signals erected and operated by an amateur radio operator licensed by the Federal Communications Commission.

AVIATION FACILITIES - Private or public land areas used or intended to be used for the take-off and landing of aircraft. Aviation facilities may include facilities for the operation, service, fueling, repair and/or storage of the aircraft.

TOWER Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas. The term includes but need not be limited to radio and television transmission towers, microwave towers, common-carrier towers, and cellular telephone and wireless communication towers. Tower types include, but are not limited to monopoles, lattice towers, wooden poles, and guyed towers. Excluded from this definition are amateur radio towers, which are otherwise defined.

OUTDOOR GATHERING - Any temporary organized gathering expected to attract 500 or more people at one time in open spaces outside an enclosed structure. Included in this use type would be music festivals, church revivals, carnivals and fairs, and similar transient amusement and recreational activities not otherwise listed in this section. Such activities held on publicly owned land shall not be included within this use type.

PARKING FACILITY, SURFACE/STRUCTURE - Use of a site for surface parking or a parking structure unrelated to a specific use which provides one or more parking spaces

together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

SHOOTING RANGE, OUTDOOR - The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting, and the unstructured and nonrecurring discharging of firearms on private property with the property owner's permission if in compliance with the Code of the City of Salem.

UTILITY SERVICES, MINOR - Services which are necessary to support existing and future development within the immediate vicinity and involve only minor structures. Including in this use type are distribution lines and small facilities that are underground or overhead, such as transformers, relay and booster devices, and well, water and sewer pump stations. Also included are all major utility services owned and/or operated by the City of Salem, or any major utility services which were in existence prior to the adoption of this ordinance.

UTILITY SERVICES, MAJOR - Services of a regional nature which normally entail the construction of new buildings or structures such as generating plants and sources, electrical switching facilities and stations or substations, water towers and tanks, community waste water treatment plants, and similar facilities. Included in this definition are also electric, gas, and other utility transmission lines of a regional nature which are not otherwise reviewed and approved by the Virginia State Corporation Commission.