**Chapter 84 – ZONING ORDINANCE**

**ARTICLE III. – GENERAL DESIGN STANDARDS**

**PART 300. – GENERAL**

**Sec. 84-300.01. – Design and Use Standards**

1. The standards contained in article III are general regulations for all use types, unless specifically modified and/or superseded by the use and design standards in articles below.
2. The standards listed as general standards in article III shall apply in all districts in which the use type is permitted by right or permitted subject to approval of a special use permit, as indicated in further articles IV through VIII, district regulations.
3. Where a specific zoning district is indicated, the standards listed in article III shall apply to that zoning district, in addition to any general standards listed for that use.
4. Uses that are not specified or prohibited.
   1. Except as otherwise expressly provided herein, this chapter shall be deemed exclusive in nature, and only those uses specified shall be permitted in the various zoning districts. If a use is not specified in a zoning district, it shall be prohibited in that district. In the event that a use is not permitted in any zoning district, it may only be permitted after appropriate amendment to the text of this chapter.
   2. Without limiting the provisions of Section 84.200.01, any use, condition, or activity defined in Part 100 (Section 100) of this chapter which is not specifically permitted in a zoning district shall be prohibited in that district. Further, when any defined use, condition or activity is permitted in a district subject to restrictions, such use, condition, or activity is prohibited if it is being conducted in violation of those restrictions.

**Sec. 84-300.02. – Uses of two or more lots to satisfy zoning requirements**

1. Two or more contiguous lots under the same ownership may be used to satisfy zoning requirements (such as setbacks, yard, lot coverage, parking, etc.).
2. For commercial, and industrial centers or public and institutional facilities developed as a single entity, but which include lots under separate ownership, the zoning ordinance standards for parking, travel ways, lot coverage, landscaping, and open space may be satisfied by all of the property included within the center or public or institutional facilities as a whole, instead of individually by each lot within the center or public or institutional facilities. In such event, permanent easements shall be noted on the approved site plan and subdivision plat, and covenants recorded in the land records providing for the joint use and maintenance of parking, travel ways and open space by all occupants of the center or public or institutional facilities. Such easements and covenants shall be approved by the Zoning Administrator and shall not be changed without such prior approval.

**Sec. 84-300.03 Setbacks – General**

1. Setbacks for nonresidential uses shall be maintained as identified in the applicable zoning district design standards for all primary and accessory structures.
2. Setbacks for residential uses shall be maintained as identified in section Sec. 84-400.03 of this chapter.

**Sec. 84-300.04 Setbacks for retaining walls.**

Setbacks for retaining walls shall be equal to the height of the retaining wall. For tiered retaining walls where the rise of the upper wall is greater than the run between the two walls, the aggregate wall height shall determine the setback distance.

**Sec. 84-300.05 Setbacks for irregularly shaped lots.**

Setbacks for triangular and other irregularly shaped lots shall be as follows.

1. Rear: Assuming a parallel line with the rear face of the structure at a point where it can be drawn between the two property lines for a distance of 10 feet. From this line, the setback shall meet the distance identified within the zoning district design guidelines.
2. Side: Assuming a parallel line with the side face of the structure at a point where it can be drawn between the two property lines for a distance of 10 feet. From this line, the setback shall meet the distance identified within the zoning district design guidelines.
3. At no point shall a setback be less than the required distance measured parallel with the property line.

**Diagram – 84-300.03**

A screen shot of a computer screen

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**PART 301. – USES OF A PUBLIC NATURE**

**Sec. 84-301.01. – In general**

The purpose of this part is to identify general standards applicable to public uses and uses of a public nature, regardless of ownership, authorized in more than one zoning district.

**Sec. 84-301.02. – Public uses and facilities**

Public facilities, structures, and uses, as those terms are used herein, shall include but not be limited to streets, connections to existing streets, parks or other public areas public buildings or public structures, public utility facilities, or public service corporation facilities, whether publicly or privately owned, but shall not include railroad facilities, high power electrical transmission lines in excess of 150 kilovolts which are subject to review and approval by the Virginia State Corporation Commission, or a public telecommunications facility (not including television and radio towers and structures not necessary to house electronic apparatus) that has received approval and funding by the Virginia Public Broadcasting Board pursuant to Code of Virginia, § 2.2-2426. For purposes of this section, the foregoing facilities, structures, and uses shall be referred to as public facilities. The term "public facility" or "public use" shall not, however, include the business office of any of the foregoing unless owned and operated by a governmental body.

**Sec. 84-301.03. – Public facilities permitted in all zoning districts, subject to review in accordance with Code of Virginia, § 15.2-2232.**

1. Public facilities, except electric substations and solar energy facilities, may be located within any zoning district, subject to Code of Virginia, § 15.2-2232 and this chapter.
2. Electric Substations may be located in any M-1 or M-BP zoning district, subject to the public facility review requirements of the Code of Virginia, § 15.2-2232 and this chapter. Electric substations may be permitted by Special Use Permit within any zoning district outside of a M-1 or M-BP District.

**Sec. 84-301.04. - Exceptions and special provisions for public facility determinations under Code of Virginia, § 15.2-2232C. and D.**

1. The Zoning Administrator shall deem public areas, facilities, or uses as features already shown in the Comprehensive Plan when they are identified within, but are not the entire subject of, a site plan submitted in accordance with Administrative Procedures Manual, or of a site plan for development submitted in accordance PART 1000 of this Chapter, and:
   1. When the general or approximate location, character, and extent of those facilities is consistent with the provisions of the Comprehensive Plan or a part thereof and the Technical Design Manual contains standards for such construction, or that the Town Council has, by ordinance or resolution, defined standards governing the construction, establishment, or authorization of such public area.
   2. The public areas, facilities, or uses are the subject of a proffer accepted under the Town's conditional zoning system.
   3. Notwithstanding the provisions of subsection (1), above, construction plans which relate solely to the construction of such public facilities may be accepted and reviewed if those facilities are shown on the approved preliminary subdivision plan of which the construction plans are an integral part.
2. Paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporation facilities shall not require a public facility determination. For purposes of this section, widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall be subject to the requirement of a public facility determination.
3. Telecommunications facilities, other than Town-owned or Town-leased telecommunications facilities, shall also comply with PART 309 of this Chapter et seq., including yard and setback requirements therein.

**Sec. 84-301.05. - Requirement of full review under Code of Virginia, § 15.2-2232, where no exception applies.**

Any public facility that the Zoning Administrator cannot reasonably determine to be a feature shown in section 84-301.03 or subject to an exception to plan conformity review as set forth in section 84-301.04, shall be submitted to the planning commission for its review in accordance with the provisions of this section. Notwithstanding the above, all proposed water towers, water storage facilities, sewage treatment plants, and correctional facilities shall be scheduled for a formal public facility determination with a public hearing before the planning commission.

**Sec. 84-301.05. - Procedure for consideration of applications for public facility determinations.**

Application procedures. Submission of a site or subdivision plan shall constitute sufficient application for a determination as to plan conformity review under the provisions of this section unless the Zoning Administrator requests more information under this section, or separate application may be made where no site or subdivision plan is submitted. The Zoning Administrator may require any applicant to provide such additional information as needed to identify the nature, general or approximate location, character, and extent of the public use, structure, or facility proposed, in accordance with procedures adopted by the Zoning Office.

**Sec. 84-301.06. - Lots for public use; restrictions on use.**

1. Lots for any public use, except public buildings, may be developed and used even if not meeting the minimum area or other regulatory requirements of the applicable zoning district. Except where otherwise required in accordance with 6-1 of the Technical Design Manual, a minimum 15-foot peripheral landscape area shall be established and maintained that meets type A buffer standards in accordance with Chapter 6 of the Technical Design Manual where such lot contains a permanent structure above the height of three feet.
2. Lots upon which public buildings are constructed shall meet all setback and yard requirements of the district in which they are located, but shall otherwise be treated the same as other public facilities.
3. The following language shall be contained on the subdivision plat and deed conveying the property, or any site plan submitted in connection with the establishment of a public use:

"This lot is being created solely for use as a public use facility, and cannot be used for any other purpose. If the public use of this lot shall cease, no further use of the lot may commence until such time as all the requirements of the zoning ordinance are met, whether by aggregation with other properties, or otherwise".

**PART 302. – SIGN ADMINISTRATION**

**Sec. 84-302.01 - Sign permit procedures.**

1. Applicability. A sign permit shall be required for all signs erected after the effective date of this article, except for those signs which are specifically exempted from the sign permit requirements as provided in section. 84-303.06.
2. Filing of application; fees. Applications for sign permits shall be filed by the owner or owner’s agent with the Zoning Administrator and shall contain information required in this section, accompanied by a fee as established by the Town Council.
3. A Zoning Permit for the Use must be approved for the business prior to any sign approval. Applications of a Zoning Permit for a Change of Use can be submitted in conjunction with a sign application.
4. Information required. All applications for sign permits shall contain or have attached the following information in either written or graphic form:
   1. Name, address and telephone number of the sign installer and the sign owner.
   2. Position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets and intersections.
   3. Type of sign and general description of structural design and construction materials to be used.
   4. Purpose of the proposed sign.
   5. Drawings of the proposed sign which shall contain specifications indicating the height, perimeter and area dimensions, means of support, method of illumination, colors, and any other significant aspect of the proposed sign.
   6. Any other information requested by the zoning administrator in order to carry out the purpose and intent of this article.
5. Inspections. A final inspection shall be completed after installation of approved signs. Any discrepancies between the approved sign and the sign as constructed shall be identified and may result in the halt of construction or sign removal, if so ordered by the zoning administrator.
6. Revocations. The zoning administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or plans.

**Sec. 84-302.02. - Temporary sign permit procedures.**

All signs requiring the issuance of a temporary sign permit, as established in section 84-303.07, shall submit all information requested by the zoning administrator prior to the issuance of such permit. The approved permit shall include the expiration date of the temporary permit. The applicant may request extensions of such permit for good cause. Temporary signs remaining after the expiration of the permit shall be considered an obsolete sign and treated as set forth in subsection 84-303.05.

**Sec. 84-302.03. - Expiration of sign permits; signs not constructed.**

A sign permit shall expire and become null and void if the approved sign is not erected within a period of six months from the date the permit was originally issued. The zoning administrator may grant one extension of the sign permit for a period of six months, but in no case shall a permit be valid for more than a total of 12 months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

**Sec. 84-302.04. - Removal of illegal signs.**

In addition to the remedies provided in article XI of this chapter, the zoning administrator may remove or order the removal of any illegal sign at the expense of the property owner. An illegal sign is any sign erected without a permit as described by section 84-302.01 or 84-302.02 or that does not comply with any provisions of this article, including signs for which the advertised business is no longer in operation and for signs which are not being properly maintained or any other prohibited sign.

**PART 303. – SIGNS GENERALLY**

**Sec. 84.303-01. – Purpose and intent of article.**

1. Generally. The purpose of this article is to regulate the size, location, height, and construction of all signs placed for public observance; protect the public health, safety, convenience, and general welfare; facilitate the creation of a convenient, attractive and harmonious community; promote the aesthetic values of the community; promote and enhance traffic safety; protect property values; and further the urban design; allow for adequate promotion for the business to which it pertains; and economic development objectives of the town's comprehensive plan. To these ends, the regulations of this article are intended to promote signs that are as follows:
   1. Compatible with the streetscape and architecture of surrounding buildings;
   2. Legible and appropriate to the activity to which they pertain;
   3. Not distracting to motorists and/or an interference with traffic visibility;
   4. Constructed and maintained in a structurally sound and attractive condition.

**Sec. 84.303.02. - Applicability of article provisions.**

The sign regulations of this article shall apply to all signs constructed or erected within the town following the effective date of the ordinance from which this chapter is derived.

**Sec. 84-303.02. - Sign permit required.**

Except as provided in this article, no sign shall be constructed, erected, installed, used, altered, relocated, replaced, or reconstructed without a sign permit issued pursuant to division 3 of this article.

**Sec. 84-303.03. - Signs considered accessory uses.**

For the purpose of this article, all signs are considered accessory uses and, unless specifically qualified, shall be located on the same lot as their principal use.

**Sec. 84-303.04. - Definitions**.

Specific words, terms, and phrases used in this article, shall have the meanings ascribed to them in article I, definitions, signage.

**Sec. 84-303.05. - Prohibited signs.**

1. The following signs are expressly prohibited unless specifically stated otherwise:
   1. Off-premises signs, prohibited in all residential and commercial and industrial zones with the following exceptions:
      1. Signs showing business name and address for businesses behind lots facing the right-of-way.
      2. Signs in the public right-of-way or on public land.
      3. Directional signs to a business that only has access by a interparcel connection.
   2. Portable signs, except portable A-frame or T-frame signs described in subsection (a)(3) of this section,
   3. Simulated traffic signs or any sign which may be confused with or obstruct the view of any authorized traffic sign or signal.
   4. Flashing or animated signs, except;
      1. Public Signs
      2. Time and temperature signs, and theater signs with special use permit.
   5. Glaring signs, or signs with light sources of such brightness as to constitute a hazard to motorists or nuisance to adjacent property owners.
   6. Strings of lights outlining property lines, sales areas, or any portion of a structure, unless part of an approved sign or sign structure with the following exceptions:
      1. Seasonal decorations.
      2. Festoon lighting in the Historic District as described in PART 306 of this Chapter.
   7. Roof signs.
   8. Streamers or festoons.
   9. Feather signs
   10. Signs affixed to a tree, or utility pole, other natural vegetation or rocks.
   11. Signs that obstruct the visibility at intersections and/or driveways or block any window, door, fire escape, stairway, or any opening intended for light, air or access to any building.
   12. Signs erected in a public right-of-way, or on public land with the following exceptions:
       1. VDOT approved signs.
       2. Way-finding signs.
       3. Signage approved as a part of a Special Event Permit.
       4. All permanent signs for the purpose of advertising civic organizations must be placed on one or all of the signs provided by the town.
   13. Vehicles shall not be utilized as parked or stationary outdoor display signs as defined as a conspicuous vehicle sign in PART 101 of this Chapter.
   14. Billboards.
   15. Banners except as provided in subsection 84-303.07 and section 84-303.10.
   16. Temporary signs remaining after the expiration of the permit.
   17. Signage remaining after the associated use ceases, unless deemed historical in nature by the Zoning Administrator.

**Sec. 84-303.06. - Exempt signs.**

1. Sign permits shall not be required for the following signs; however, all other applicable regulations of this chapter shall apply:
   1. Address or identification signs. Signs indicating the address and/or names of occupants of premises, not exceeding two square feet in area.
   2. Changing the message content of a lawful directory, institutional bulletin board, theater marquee or other changeable letter sign.
   3. Commemorative plaques and historical markers erected by a recognized historical agency or governmental body.
   4. Flags, emblems and insignia of any governmental agency or religious, charitable, public or nonprofit organization; provided, however, that no single flag shall exceed 50 square feet in area, and no single zoning lot shall display more than three such flags. If the total area of such flags exceeds 72 square feet, the excess area shall be included in the sign area calculations for the zoning lot.
   5. Handicapped parking space sign.
   6. Directional signs, not exceeding four square feet in area or located closer than five feet to any lot line. Directional signs may be internally lit or illuminated by white light only.
   7. Security and warning signs. Signs posted on private property warning the public against trespassing, or similar messages, provided that any such sign does not exceed one and one-half square feet in area.
   8. Neon open signs, cannot be of the flashing or intermittent type and no greater than 2 square feet.
   9. Public signs. Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation including, but not limited to, traffic, utility, other regulatory signs, and town sanctioned event signs.
   10. Seasonal or temporary displays of patriotic, religious, historic or civic character on private property, not advertising a product or service, displayed for a period not to exceed 30 days.
   11. Signs not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right-of-way.
   12. Temporary political campaign signs on private property not to exceed eight square feet in area and six feet in height. Such signs may only be erected no more than 30 days before the date of the primary, general or special election to include early voting and shall be removed within seven (7) days following the election.
   13. Temporary private yard sale signs, not exceeding three in number per yard sale and not placed on any utility or sign poles. All such signs are to be removed at the end of the last day of the advertised sale.
   14. Temporary real estate signs, located on the premises, not exceeding four square feet in area for all residential districts, or 32 square feet in area for other zoning districts. No real estate sign shall exceed a height of six feet. One real estate sign per agency shall be permitted per property, except for corner lots, which may have two such signs. Temporary real estate signs shall be removed within three days after the closing in the case of a sale of property or within three days after the execution of a lease of the property.
   15. Temporary window signs shall not be displayed above the first floor.
   16. Vehicle safety inspection signs not exceeding ten square feet in area. Such signs may be either a wall sign or attached to an existing authorized ground-mounted sign structure, one per business, not to exceed the height of the ground-mounted sign.
   17. Signs on licensed commercial vehicles, including trailers.
   18. Temporary off-premises subdivision directional signs.
   19. Portable A-frame, T-frame signs or banners meeting the development standards set forth in section 84-303.10.
   20. Murals that meet the standards as defined in PART 102 of this Chapter.

**Sec. 84-303.07. - Signs requiring temporary sign permit.**

1. The following signs shall require the issuance of a temporary sign permit by the zoning administrator prior to their erection. The permit shall cite the length of time any such sign may be displayed. If after the expiration of the temporary sign permit such signs are not removed, the town may remove them and charge the costs of removal to the enterprise or proprietor responsible. Except where provided otherwise in subsection (a)(5) below and in section 84-303.10, banners shall not require a temporary sign permit.
   1. Special sales events signs announcing such events as grand openings, new management and going-out-of-business signs, and short-term special sales. Such signs may be displayed on a given property subject to the following standards:
      1. Such signs shall be either attached to an existing principal structure or sign pole and such sign shall not exceed 20 square feet in area.
      2. One such sign, limited to two faces, may be located on the property occupied by a permitted use.
      3. Such sign shall not be located on any required off-street parking space, driveway, alley or fire lane, or within any street right-of-way.
      4. Such sign may be illuminated provided it is not flashing or moveable and conforms to the National Electrical Code.
      5. Permits issued by the zoning administrator for such signs shall be limited to a period not to exceed 30 days.
      6. Such permits shall only be issued for properties in nonresidential zoning districts.
      7. Such permits shall be issued to a given parcel no more than four times per year.
      8. Such signs, including structure, existing at the effective date of the ordinance from which this section is derived will be considered as having been permitted for the first time and thereby remain in use for 30 days from the effective date of the ordinance from which this section is derived. Subsequent requirements for such signs will be governed by the provisions of this section.
   2. Temporary and seasonal produce stand signs. The total area of all such signs shall not exceed 20 square feet, nor shall any sign exceed six feet in height.
   3. Construction signs not to exceed one per street frontage, limited to a maximum height of eight feet. The total area of all signs shall not exceed 32 square feet. Such signs shall be removed within 14 days following completion of construction.
   4. Temporary residential subdivision and model home identification signs. One sign may be erected for not more than two years at each principal entrance to the development. Such signs shall not exceed eight feet in height or 16 square feet in area. In addition, one model home sign of not more than four square feet may be maintained at each model home.
   5. Temporary signs, including banners, announcing a civic, philanthropic, educational or religious event shall not require a temporary sign permit. Such signs shall not exceed 32 square feet in area or six feet in height. Such banners shall not exceed 120 inches in length and 48 inches in height. The location of the sign or banner shall be approved by the zoning administrator by permission prior to placement. Such signs shall not be erected more than 14 days prior to the event and shall be removed within five days after the event.

**Sec. 84-303.08. - General sign standards.**

1. Sign area shall be calculated in the following manner:
   1. For sign copy mounted or painted on a background panel, cabinet, or other surface, the sign area shall be computed by means of the smallest square or rectangle that encompasses the extreme limits of the background panel, cabinet, or surface. Example provided below:

Text

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Freestanding Sign (monument style) example: Sign area = (A)(B)

Diagram

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* 1. When two identical, flat sign faces are placed back-to-back or at angles of 45 degrees or less, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces. If the two faces are unequal, the sign area shall be calculated based on the larger of the two faces.
  2. When two flat sign faces are placed at angles greater than 45 degrees, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by totaling the measurement of both faces.
  3. For projecting signs with a thickness of four inches or more, the visible sides of the sign shall be considered sign faces for the purpose of calculating maximum sign area.

1. The total area of the building façade or the total area of a freestanding structure shall not be included in the calculation of sign area. The sign area shall be calculated based on the size of the sign face enclosing the sign copy as specified in subsection 1 of this section. When a sign is directly affixed to a building façade, sign area shall be calculated as specified in subsection 2(a) of this section.
   1. The area of a sign shall mean and shall be computed as the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblems or a figure of similar character together with all material, color or lighting forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Example provided below:

Text

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1. All fractions shall be rounded to the closest integral number. For example, 29.76 square feet shall be rounded to 30 square feet, while 15.23 feet in height shall be rounded to 15 feet in height.
2. Sign height shall be calculated in the following manner:
   1. The height of a sign shall be calculated as the distance from the base of the sign at grade to the top of the highest attached component of the sign. Any filling, berming, mounding, or excavating solely undertaken for the purpose of locating or increasing the height of the sign shall be included in the sign height calculation.
   2. In cases where grade established at the base of the sign is below grade established at street level, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public or private street. An example is provided below:

A picture containing text, sign

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1. All sign setbacks shall be measured as the distance in feet from the property's lot lines to the closest point on the sign structure.

**Sec. 84-303.09. - Development standards for permitted sign types.**

1. All new signs and all existing signs which are replaced, reconstructed, extended or changed structurally or in content shall comply with the following general development standards in addition to specific district standards identified in PART 304 through PART 307:
   1. Freestanding; development standards.
      1. Road frontage requirements. Permanent freestanding signs shall be permitted only on zoning lots with 100 feet or more of road frontage.
      2. Minimum separation distance. No freestanding sign shall be permitted to be erected within 100 feet of an existing freestanding sign.
      3. Setback. Signs must be completely behind the right-of-way line of the street. Projections, if approved, will conform to subsection (a)(2) of this section.
      4. Design. The material and design of the sign structure and primary structure shall be harmonious. Freestanding signs shall be of the monument type with a base of building materials or stone. Freestanding signs shall not be pole mounted.
   2. Projecting sign; development standards.
      1. Angle of projection: Ninety degrees.
      2. Limit on projection: Five feet or one-third the width of the sidewalk, whichever is less.
      3. Projections over right-of-way: Signs projecting over the right-of-way shall only be permitted in the B-H District. An application for these signs shall include an executed Town of Strasburg Hold Harmless Agreement. This agreement shall protect and save the town harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, owner, or agents, or by any reason of defects in the construction on or damages resulting from the collapse, failure or combustion of the parts thereof.
      4. Minimum clearance: Eight feet.
      5. Maximum height: Twenty feet, the bottom sill of any second story window, or the lowest point of the roof, whichever is highest.
   3. Façade sign; development standards.
      1. Placement; generally. No wall sign shall cover, cross or otherwise hide columns or other decorative architectural features of the building, including balconies.
      2. Maximum height of wall signs. Maximum height of wall signs shall be 20 feet, the height of the bottom sill of any second story window, or the lowest point of the roof, whichever is highest.
      3. Limit on projection. Façade signs shall project no more than 12 inches from the face of the supporting structure.
   4. Permanent window signs;
      1. No more than 50% of the windows per building face shall be used to display window signs.
      2. Sign shall not obscure more than 40% of the individual window face area
   5. Awning, canopy and marquee signs; development standards.
      1. Location: Parallel to the face and not projecting above the face of the awning, canopy or marquee. If projecting below the face of the awning, canopy or marquee there must be eight feet of ground clearance.
      2. Projection: Shall not project beyond the vertical plane of the inside of curbs but shall in no way interfere or obstruct pedestrian traffic.
      3. Projection into setback: Encroachment of up to four feet into a setback shall be permitted.
      4. Projection over right-of-way: Awnings, canopies, and balconies projecting over the right-of-way shall only be permitted in the B-H District. An application for these projections shall include an executed Town of Strasburg Hold Harmless Agreement. This agreement shall protect and save the town harmless from any and all claims or demands for damages by reason of any negligence of the sign hanger, contractor, owner, or agents, or by any reason of defects in the construction on or damages resulting from the collapse, failure or combustion of the parts thereof.

**Sec. 84-303.10. - Standards for portable A-frame, T-frame signs and banners.**

1. Portable A-frame, T-frame signs or banners shall be permitted without a sign permit, subject to the following regulations:
   1. Such signs may be placed only in nonresidential districts, except that banners may be used in residential districts for announcing a civic, philanthropic, educational, or religious event as described in Section 84-303.07.1. E. Banners used in residential zones for the above-described use shall require a temporary permit.
   2. One such sign or banner, but not both, shall be allowed per business, and such sign shall be allowed in addition to the maximum number of signs permitted under the provisions of PART 304.
   3. A-frame signs may not exceed 30 inches in width and 48 inches in height. T-frame signs may not exceed 36 inches in width and 66 inches in height. Banners may not exceed 120 inches in length and 48 inches in height.
   4. Such signs must be secured by weights or other methods to keep the sign stationary. Banners may not be attached to telephone or electric poles or any type of street signs or be located on the roof of a building.
   5. Such signs or banners may be placed on the public sidewalk or public right-of-way only upon permission from the Zoning Administrator or his or her designated agent. Permission to place such signs shall comply with the following conditions:
      1. The applicant is not vested with any property right to place the sign, and such permission may be revoked at any time that the Zoning Administrator or his or her designated agent determines that the public sidewalk or the public right-of-way is needed by the town or that the sign is obstructing pedestrian traffic or otherwise constitutes a detriment to public safety.
      2. The use of the public sidewalk or public right-of-way is to be at the applicant's risk and the applicant shall hold the town harmless for such use.
      3. When placed upon a sidewalk, such sign must not obstruct pedestrian traffic and must not obstruct the vision of motorists at corners. When not placed upon a sidewalk, such sign must be placed not less than four feet from the edge of the street pavement. In no event shall such signs be permitted within the triangle composed of two eight-foot legs at a street intersection or where a driveway intersects a street.
      4. When located on a sidewalk, such signs may be displayed only during business operating hours and must be removed at all times the business is closed.
      5. Only A-frame signs shall be permitted on the public sidewalk.
      6. Additional requirements considered necessary by the Zoning Administrator to protect public safety may be included in the letter of agreement on a case-by-case basis.
   6. Banners shall be maintained at all times in a safe, clean and attractive condition and shall be taken down or replaced before they become ragged and/or unsightly. Failure to so maintain such devices after written notice to do so from the zoning administrator shall constitute a willful violation of this section.
2. Banners over the public right-of-way. No banner shall be placed over the public rights-of-way in the town except in conformity with the following regulations:
   1. Purpose. Banners may be erected over the public right-of-way only for the purpose of advertising a town-wide charitable, civic or community event; the purpose of which is the betterment of the community as a whole and not for private gain.
   2. Banner sites. One site is designated as appropriate locations for placement of banners over the public right of way: the constructed poles on Main Street. No other location will be permitted.
   3. Placement by town personnel only. Placement and removal of all banners at the designated sites shall be performed by town personnel only and the town's cost (hereinafter referred to as "the service charge") in so doing shall be paid by the party wishing to place the banner. The Zoning Administrator shall determine the amount of the service charge based on the town's cost of labor and materials. If at any time the banner becomes damaged or in need of repair and/or poses a threat to the safety of the general public, the town, in its discretion, may remove the banner.
   4. Approval of Zoning Administrator required. Placement of banner over the public right-of-way in the town shall be subject to the approval of the Zoning Administrator or his or her designee. Parties wishing to place a banner shall apply to the Zoning Administrator or designee and pay the service charge not less than 30 days prior to the date that applicant desires the banner to be erected. The application for a permit shall include the name, address and telephone number of the person requesting the permit, the name and address of any organization or group the applicant is representing, the type of community, charitable, or civic event that is being promoted, the length of time the banner is to be displayed and the size and message of the banner. The applicant shall execute an agreement holding the town harmless against all claims for personal injury or property damage resulting from the use of the public right-of-way.
   5. Period banner may be displayed; removal; no storage of banners by town. Banners may not be displayed for a period exceeding 14 days. Banners may be placed no earlier than two weeks prior to the event and will be removed within two days following the event. Applicants shall pick up the banner from the town shop not later than ten days after the event. After ten days have elapsed, the town will not be responsible for storage of the banner and may discard the same at any time.
   6. Sign standards. Banners shall not exceed 120 square feet in area and shall have a minimum clearance of 21 feet over street grade. Banners shall have reinforced eyelets in each corner, and a continuous reinforced border around the perimeter of the banner. Air vents shall be provided in each banner to allow air to pass through the banner.
   7. Banner supporting cables shall be incorporated with a breakaway design to prevent damage to the supporting structure.

**Sec. 84-303.11. - Construction and maintenance standards.**

1. Building code compliance. All signs shall be constructed and maintained in compliance with the Virginia Uniform Statewide Building Code (Code of Virginia, § 36-97 et seq.).
2. Condition of signs. All signs and components shall be maintained in good repair and in a safe, clean and attractive condition. Failure to maintain signs in such a state of repair shall constitute grounds for revocation of the sign permit by the administrator.
3. Repair or removal of nuisance signs. The zoning administrator may cause the immediate removal or repair of any sign and its supporting members which is declared to be an immediate or imminent hazard to life or property. All costs associated with the removal or repair shall be charged to the owner of the premises upon which the sign is located. Any such sign which must be removed by the zoning administrator shall constitute a public nuisance, and the removal costs shall constitute a lien upon the property of the owner of the premises upon which the sign is located which lien shall be docketed the same as other nuisance abatement charges.
4. Removal of obsolete signs and supporting structures. Any sign which is obsolete because of discontinuance of the advertised activity, or any other reason which would cause the sign to be obsolete shall be removed within 30 days after the discontinuance. Supporting structure not reused within one year from the time of removal of the sign will also be removed. The zoning administrator may cause the removal of any obsolete sign or supporting structure not removed by its owner in a timely manner. All costs associated with the removal or repair shall be charged to the owner of the premises upon which the sign is located. If such supporting structure constitutes a hazard to public safety, such removal charges shall constitute a lien pursuant to subsection (c) of this section.

**Sec. 84-303.12. - Nonconforming signs.**

Nonconforming signages shall be permitted as identified in Sec. 84-900.11.

**PART 304. – SIGNS IN A B-1, B-2, M-1 AND M-2 DISTRICTS**

**Sec. 84-304.01. - Signs in commercial/industrial districts; general regulations.**

1. Development and construction standards. All signs requiring a permit shall comply with the requirements of parts 301 and 303 of this article.
2. Freestanding signs. All ground-mounted signs, either monument type, erected within commercial and/or industrial districts shall be constructed according to the standards set forth in Section 84-303.09.
3. Signs facing residential uses. Any sign installed within 100 feet of an existing residential use shall be internally illuminated.
4. Minimum setback of freestanding signs.

One foot for every foot in height of the size and not less than ten feet.

Ten feet from any right-of-way.

**Sec. 84-304.02 – Illumination of signs.**

1. In the B-1, B-2, M-1, and M-2 districts all signs shall be internally lighted or if externally lighted, shall be shielded to prevent blinding of approaching drivers.
2. Electronic changeable copy signs may be internally lighted, but lighting shall not flash or scroll or be so bright as to distract motorists.

**Sec. 84-304.03. – Sign types for individual businesses on a single zoning lot.**

A single business located on a single zoning lot may erect signs as follows:

1. Types of signs permitted. Types of signs permitted are wall, freestanding, projecting, awning, canopy, marquee, or electronic changeable copy; however, no zoning lot shall be permitted to have both a freestanding sign and a projecting sign.

**Sec. 84-304.13. - Location, number, size, height and code reference for signs.**

Signs shall be permitted in accordance with the following Table 3.1.

**PART 305. – SIGNS IN AGRICULTURAL AND RESIDENTIAL DISTRICTS AND RESIDENTIAL PORTIONS OF PLANNED DEVELOPMENT DISTRICTS**

**Sec. 84-305.01. – General design standards**

* 1. The following standards are prohibited.

1. Illuminated signs.
2. Painted signs.

**Sec. 84-305.02. - Location, number, size, height and code reference for signs.**

Signs shall be permitted in accordance with the following Table 3.1.

**PART 306. – SIGNS IN THE HISTORIC DISTRICT**

**Sec. 84-306.01. – Coordination with Town of Strasburg Historic District Design Guidelines.**

The Historic District Design Guidelines, as amended, establish baseline recommendations applicable to signage in a Historic District and is expected to be a useful guide for making design decisions.

**Sec. 84-306.02. - Maintenance of signage in the Historic District.**

Signs shall be kept in good repair. Signs that are not properly maintained and that have no historical significance should be removed, as should signs of businesses that no longer occupy a building or storefront, unless they are deemed to be of historic significance by the Zoning Administrator.

**Sec. 84-306.03. – Minimum design standards for signs in the Historic District.**

* 1. Use traditional sign materials such as wood, wood composites, glass, or metal that complement the building’s architectural details. Avoid using materials that are incompatible with the period of the building.
  2. Use colors that are compatible with the existing building and adjacent historic structures. The historic architecture should remain the visual focal point.
  3. Commercial signs shall fit the building’s design and not obscure significant design elements of the building it is identifying.
  4. Coordinate all signs in terms of size, placement, lettering, color, and overall design in buildings with multiple storefronts.

**Sec. 84-306.04. – Prohibited signs in the Historic District.**

Any sign covering a window or other architectural detail of the building.

Exterior neon, formed plastic signs with backlights, and any other form of internally lighted signs, excepting historic neon signs and other exempt signs as identified in Section 84-303.06.

Moving or animated signs.

Inflatable signs.

Roof-mounted signs or signs extending above the cornice line.

Signs for off-premise businesses and billboards

**Sec. 84-306.04. - Location, number, size, height and code reference for signs.**

A business or tenant with street frontage shall have only one wall sign per street frontage, but no more than three (3) signs of any type.

Signs shall be permitted in accordance with Schedule B of Table 3.1.

| **TABLE 3-1 Permitted Sign Standards in B-1, B-2, M-1, and M-2 Districts Schedule A** | | | | |
| --- | --- | --- | --- | --- |
| Sign Type | Number permitted per Lot or tenant (as specified herein) | Maximum Sign Area (sq. ft.) | Maximum Sign Height (ft.) | Code Reference |
| Awning | 1 per awning | Max—20 (subject to façade sign area permitted) | N/A |  |
| Canopy | 3 max (1 per side) | Cumulative max—60 | N/A |  |
| Drive-in | 3 per drive-through lane with ordering location | Individual sign maximum—40 Cumulative maximum—72 | 8 (N/A for clearance bar) |  |
| Facade (single tenant occupying single story | 2 3 signs permitted for corner lot (1 per unit width) | 2 square feet per 1 foot of building side per sign Max 400 square feet for all signs | N/A |  |
| Facade (multi-tenant) | 2 per tenant 3 per tenant with end unit (1 per unit width) | 2 square feet per 1 foot of unit width per sign |
| Flag | 1 | 50 | 40 |  |
| Freestanding (single tenant) | 1 per street frontage | ½ square foot per 1 foot of street frontage Max 80 square feet | 8 feet |  |
| Freestanding (multi-tenant) | 1 per street frontage with access | ½ square foot per 1 foot of street frontage Max 100 square feet | 10 feet— |  |
| Illuminated (internally) | Permitted | | |  |
| Illuminated (externally) |
| Marquee | 1 | 3 square feet per 1 foot of perimeter along the marquee | May not exceed the height of the marquee |  |
| Neon | 1 “Open” sign only, shall not flash. | 2 square feet |  |  |
| Painted | Permitted | | |  |
| Projecting | 1 per tenant | 8 | May not exceed the highest point of a flat roof or lowest portion of pitched roof—Must maintain > 8 ft. in clearance above grade |  |
| Temporary (A-Frame - portable) | 1 per 1,000 feet of linear street frontage (per tenant) | 16 | 6 |  |
| Temporary (façade banner sign) | 1 per unit width | 1.5 square feet per 1 foot of unit width | Must maintain > 8 ft. in clearance above grade |  |
| Window | 2 per tenant | No more than 50% of the building face windows can be used.  Signage shall obscure no more than 40% of the window used. | N/A |  |

| **TABLE 3-1 Permitted Sign Standards in B-H District Schedule B** | | | | |
| --- | --- | --- | --- | --- |
| Sign Type | Number permitted per Lot or tenant (as specified herein) | Maximum Sign Area (sq. ft.) | Maximum Sign Height (ft.) | Code Reference |
| Awning | 1 per awning | Max—20 (subject to façade sign area permitted) | N/A |  |
| Canopy | 2 | Cumulative max—40 | N/A |  |
| Drive-in | 3 per drive-through lane with ordering location | Individual sign maximum—40 Cumulative maximum—72 | 8 (N/A for clearance bar) |  |
| Facade | 1 per tenant 2 per tenant with end unit (1 per façade facing right-of-way) | 1 square feet per 1 foot of unit width per sign | Max 50 sf for 1-story buildings  Max 60 sf for 2-story buildings |  |
| Flag | 3 | 60 | 40 |  |
| Freestanding (single tenant) | 1 per street frontage | ½ square foot per 1 foot of street frontage Max 80 square feet | 8 |  |
| Illuminated (internally) | Prohibited | | |  |
| Illuminated (externally) | Prohibited | | |
| Marquee | 1 | 3 square feet per 1 foot of perimeter along the marquee | May not exceed the height of the marquee |  |
| Neon | Permitted historic only, maximum 2 sqft. | | |  |
| Painted | Permitted | | |  |
| Projecting | 1 per tenant | 10 | May not exceed the highest point of a flat roof or lowest portion of pitched roof—Must maintain > 8 ft. in clearance above grade |  |
| Temporary (A-Frame - portable) | 1 per 1,000 feet of linear street frontage (per parcel) | 16 | 6 |  |
| Temporary (façade banner sign) | 1 per unit width | 1.5 square feet per 1 foot of unit width | Must maintain > 8 ft. in clearance above grade |  |
| Window | 2 per tenant | No more than 50% of the building face windows can be used.  Signage shall obscure no more than 20% of the window used. | N/A |  |

| **Permitted Sign Standards in A-3, R-1, R-4, R-8, R-16, R-H Districts, and residential uses/projects within planned and mixed-use zoning districts Schedule C** | | | | | | |
| --- | --- | --- | --- | --- | --- | --- |
|  | Residential Uses | | | Residential Projects | | |
| Sign Type | Number | Maximum Sign Area (sq. ft.) | Maximum Sign Height (ft.) | Number | Maximum Sign Area (sq. ft.) | Maximum Sign Height (ft.) |
| Directional for rental/sales offices | Prohibited | | | 2 per project | 2 | 3 |
| Facade | 1 for Short-term Rental and Home Occupation uses only | 4 | N/A | 1 per site entrance | 16 | N/A |
| Flag | 1 | 60 | 40 max. per pole | 3 | 60 | 40 max. per pole |
| Freestanding | Prohibited | | | 1 per project entrance | 18 per sign | 6 |
| Illuminated | Prohibited | | | | | |
| Painted | Prohibited | | | Permitted | | |

**PART 307. – OFF-STREET PARKING**

**Sec. 84-307.01. - Off-street parking and loading standards.**

Off-street Parking shall comply with the design standards set forth in this PART and Chapter??? of the Technical Design Manual.

All off-street parking shall be on an improved surface.

**Sec. 84-307.02. – Parking surface.**

All required access streets, aisles, travel ways, parking lots, and driveways shall be constructed and maintained with a paved surface, except;

* 1. Parking of boats, trailers, recreation vehicles and similar vehicles within single-family detached lots, and
  2. Vehicle storage in the M-BP District.

**Sec. 84-307.03. – Number of required parking spaces.**

The number of required parking spaces for single-family detached and duplex residential lots shall be 2 spaces for each dwelling unless specifically specified in other design standards.

The number of required parking spaces for single-family townhouse residential lots shall be as identified within PART 407 of this Chapter.

The number of required parking spaces for multi-family residential, commercial and industrial lots is identified with Chapter ??? of the Technical Design Manual.

**Section 84-307.03. – Downtown Parking Overlay.**

Parking within the Downtown Parking Overlay (DPO) shall be in accordance with Part 801 of Chapter.

**PART 308. – TELECOMMUNICATIONS FACILITIES**

**Sec. 84-308.01. - Definitions.**

Specific words, terms and phrases used in this article shall have the meanings ascribed to them in PART 103 of this Chapter, definitions, telecommunications facilities.

**Sec. 84-308.02. - Development and approval of towers.**

No tower or telecommunications facility shall be constructed, installed or operated within the town except as permitted pursuant to this article.

A tower and associated telecommunications facilities shall be a permitted use of land with a special use permit issued by the town council pursuant to the provisions of PART 1103 only in the following areas in the town:

* + 1. The M-BP (industrial) zoning district.
    2. Land owned by any local governing body and the antennae support structure owned and used by the local governing body regardless of the zoning district.
    3. Antenna support structures or towers employing stealth techniques to camouflage the same so that the presence of telecommunications facilities are not apparent to common observation shall be a permitted use with a special use permit in any zoning district as a telecommunications facility, including small equipment cabinets located in or on the antenna support structure or on the ground immediately adjacent to a telecommunications facility, provided that they do not exceed 72 cubic feet above ground, and six feet in height.

Existing towers are exempt from the maximum height restrictions of the districts where located. New towers shall not exceed a maximum height of 100 feet in any district unless the town council approves a special use permit authorizing a maximum height in excess of such limits. If such a special use permit is granted, the town council may increase the fall zone, setbacks, and buffers accordingly.

The town may authorize the use of town property in accordance with the procedures of the town charter and Code. The town shall have no obligation whatsoever to use town property for such purposes.

No new tower shall be constructed in the town unless such tower, including the ground area for associated telecommunications facilities, is capable of supporting another person's operating telecommunications facilities comparable in weight, size, and surface area to the applicant's telecommunications facilities. For the purposes of this section, the "applicant's telecommunications facilities" shall mean those installed within six months of completion of tower construction. These provisions are encouraged for, but need not apply to, towers no greater than 50 feet in height.

An application to construct a tower and/or install telecommunications facilities in the town shall include the following information:

1. The name, address, and telephone number of the applicant. If the applicant is not the owner of the parcel of land upon which the tower is situated, the written consent and the name, address, telephone number of the owner, shall be evidenced in the application. The application shall also contain an affirmative statement indicating that both the owner and applicant are aware of and agree to comply with the provisions in section 84-308.14 regarding abandonment.
2. The legal description, valuation map number, and address of the parcel of land upon which the tower is to be situated.
3. The names, addresses, and telephone numbers of all tower owners with existing towers or usable antenna support structures or persons holding a special use permit to construct a tower or antenna support structure within the corporate limits of the town, including town-owned property.
4. Written documentation that the applicant made diligent, but unsuccessful, efforts for permission to install or collocate the applicant's telecommunications facilities on existing towers or usable antenna support structures located or to be located pursuant to pending construction within the corporate limits of the town.
5. Written documentation that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's telecommunications facilities on existing or proposed towers, and their ground area, or usable antenna support structures owned by other persons located within the corporate limits of the town.
6. Written, technical evidence from a radio frequency engineer that the proposed tower or telecommunications facilities cannot be installed or collocated on another person's tower or usable antenna support structure located within the corporate limits of the town and must be located at the proposed site in order to meet the coverage requirements of the applicant's wireless communications system.
7. Written, technical evidence from a structural engineer that the proposed structure meets the standards set forth in this article, including but not limited to the requirements set forth in subsection 5 of this section.
8. Written, technical evidence from an electrical engineer that the proposed site of the tower or telecommunications facilities does not pose a risk of explosion, fire, or other danger due to its proximity to volatile, flammable, explosive, or hazardous materials such as LP gas, propane, gasoline, natural gas, or corrosive or other dangerous chemicals.
9. A map of the town and the first one-half mile of all bordering communities showing the design of the applicant's entire existing or proposed wireless telecommunications network. Such a map shall, at minimum, indicate the general location of all proposed or existing tower and antenna sites, their dimensions, specifications, and signal area coverage.
10. Color photo simulations showing the proposed site of the tower with a photorealistic representation of the proposed tower as it would appear viewed from the closest residential property or properties and from adjacent roadways.
11. An application fee that represents the site development plan fee and special use fee otherwise required. The town reserves the right to employ an outside consultant to review any application. The applicant shall reimburse the town for the reasonable expenses related to such review as an additional application fee.
12. A site plan, including a description of the lot lines, setbacks, location of adjacent structures, proposed location of the tower, separation distances, proposed tower height, landscaping, screening, access, parking, and security.
13. An acknowledgment that the applicant currently complies and will continue to comply with all FCC standards, including reporting requirements regarding radio frequency emissions.
14. When seeking approval of a telecommunication tower or facility, the applicant shall furnish written documentation that:
    * 1. The proposed tower is reasonably necessary to serve an adjacent residential area or areas.
      2. Any variance sought is the minimum necessary to address the need for the variance, subsequent to exploring all reasonable siting alternatives.
      3. The location of the tower in relation to the existing structures, trees and other visual buffers shall minimize, to the greatest extent reasonably practicable under the circumstances, any impact on affected residentially zoned property.
      4. The location of the tower will not have a significant detrimental impact on adjacent property values.
      5. Any other factors that the applicant deems to be relevant to the town's consideration of a tower or facility site.

All information submitted with an application that is trade secret information or is for other reasons proprietary shall be clearly marked as such when submitted with an application. The town shall not disclose publicly, or to any third party, proprietary information unless compelled to do so by federal, state, or local law.

**Sec. 84-308.03. - Availability of suitable existing towers or other structures.**

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the town council that no existing tower or structure can accommodate the applicant's 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 do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the cost of a new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

**Sec. 84-308.04. - Interference with public safety radio services.**

In order to ensure that the town's public safety radio services will be free from harmful or destructive interference, all applicants requesting a permit to site a tower or telecommunications facilities must:

Demonstrate compliance with good engineering practices;

Provide the town a copy of all intermodulation studies submitted to the FCC;

Not induce harmful or destructive interference to the town's public safety radio services;

Comply with FCC regulations regarding susceptibility to radio frequency interference, frequency coordination requirements, general technical standards for power, antenna, bandwidth limitations, frequency stability, transmitter measurements, operating requirements, and any and all other federal statutory and regulatory requirements relating to radio frequency interference; and

In the case of collocation of telecommunications facilities either in the same location or on the same tower as the town's, comply with FCC emissions requirements and not radiate any RFI or any electromagnetic interference that may interfere with the town's public safety radio services.

**Sec. 84-308.05. - Setbacks and fall zones.**

Setbacks.

All towers and any telecommunications facilities shall be set back on all sides a distance equal to the underlying building setback requirement in the applicable zoning district, except that all towers in residential zoning districts shall be set back from all adjacent property lines a distance equal to the tower height. When a tower is located in a commercial district or industrial district, the tower shall be located a distance at least equal to twice the height of the tower from any residential district.

Setback requirements for towers shall be measured from the base of the tower to the property line of the parcel on which it is located.

Fall zones.

Every tower shall be designed to fall within the boundaries of the parcel on which the tower is located. The applicant shall submit written certification and supporting documentation from a structural engineer that a tower proposed for a residential area will fall within the specified fall zone. In the case of towers located in industrial areas that are specified and certified by a structural engineer to be collapsible or incapable of failure, the building commissioner may reduce the fall zone accordingly.

In those instances, in which there is a conflict between the required setback and the required fall zone, the greater distance shall apply.

**Sec. 84-308.06. - Separation and buffer requirements.**

Towers shall be separated from all residences irrespective of zoning classification by a minimum distance equal to the height of the proposed tower.

Tower separation distances for the purpose of compliance with this article shall be measured from the base of a tower to the closest point of a designated area. The minimum tower separation distance shall be calculated and applied irrespective of town and county jurisdictional boundaries.

**Sec. 84-308.07. - Method of determining tower height.**

Measurement of tower height for the purpose of determining compliance with all requirements of this article shall include the tower structure itself, the base pad, and any other telecommunications facilities attached thereto which extend over the top of the tower structure itself. Tower height shall be measured from grade**.**

**Sec. 84-308.08. – Tower design standards**

* 1. Illumination: Towers shall not be artificially lighted except as required by the Federal Aviation Administration. Upon construction of a tower, in cases where there are residential uses located within a distance equal to the height of the tower from the tower, and when required by federal law, dual mode lighting shall be required from the FAA.
  2. Exterior finish: Towers not requiring FAA painting or marking shall be painted a neutral color. (A galvanized finish is considered a neutral color.)
  3. Stealth: All towers and telecommunications facilities except as provided in subsection 84-308.02.2. B in commercial and residential districts shall be of stealth design.
  4. Security: All towers must be reasonably posted and secured to protect against trespassers.
  5. Access: All parcels upon which towers are located must provide access during normal business hours to at least one paved vehicular parking space on site.
  6. Landscaping: All landscaping on parcels containing towers, antenna support structures, or telecommunications facilities shall be designed to screen the tower, antenna support structure, and telecommunications facilities to a height of at least six feet from grade. This requirement may be waived at the discretion of the zoning administrator if the base of the tower and facilities to be screened are not located in and not visible from any business or residential districts or visible from public streets. All landscaping must be continually maintained in a healthy and attractive manner.

**Sec. 84-308.09. - Certifications and inspection of new and existing towers.**

All new towers shall be designed by a structural engineer and shall be certified by such engineer to be structurally sound and in conformance with the requirements of all applicable building codes and all other applicable construction standards, local, state and federal. For new monopole towers, such certification shall be submitted with an application pursuant to section 84-308.02.6 and every five years thereafter; for existing monopole towers, such certification shall be submitted within 60 days of the effective date of the ordinance from which this chapter is derived, and then every five years thereafter; for new lattice or guyed towers, such certification shall be submitted with an application pursuant to section 84-308.02.6 and every two years thereafter; and for existing lattice or guyed towers, such certification shall be submitted within 60 days of the effective date of the ordinance from which this chapter is derived, and then every two years thereafter. The tower owner may be required by the town to submit more frequent certifications should there be reason to believe that the structural and electrical integrity of the tower is jeopardized.

The town and its agents shall have authority to enter onto the property upon which a tower is located, between the inspections and certifications required in this section, to inspect the tower for the purpose of determining whether it complies with the statewide building code and all other construction standards, local, state and federal.

The town reserves the right to conduct such reasonable and necessary inspections, upon reasonable notice to the tower owner. All expenses by the town related to such inspections shall be borne by the owner if any unresolved defects exist.

The tower or telecommunication facilities owner shall certify to the town on an annual basis that it is in compliance with all of the requirements of this article, including the requirements set forth in section 84-308.10.

**Sec. 84-308.10. - Maintenance.**

* + - 1. Tower owners shall at all times employ ordinary and reasonable care and shall install and maintain in use nothing less than commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries, or nuisances to the public.
      2. Tower owners shall install and maintain towers, telecommunications facilities, wires, cables, fixtures, and other equipment in substantial compliance with the requirements of the National Electrical Safety Code and all FCC, state, and local regulations, and in such manner that will not interfere with the use of other property.
      3. All towers, telecommunications facilities, and antenna support structures shall at all times be kept and maintained in good condition, order, and repair so that such towers, facilities, and structures shall not menace or endanger the life or property of any person.
      4. All telecommunications facilities shall maintain compliance with current radio frequency emission standards of the FCC.
      5. If the use of a tower is discontinued by the tower owner, or if a tower owner files notice of the FCC of its intent to cease operating, the tower owner shall provide a written notice to the town of its intent to discontinue use and the date when the use shall be discontinued.

**Sec. 84-308.11. - Telecommunications facilities on antenna support structures.**

1. Any telecommunications facilities which are not attached to a tower may be permitted as an accessory use to any antenna support structure at least 30 feet tall, and if stealth techniques are applied, as provided in subsection 84-308.02.2.B, such telecommunications facilities may be installed regardless of the zoning district where the antenna support structure is located. Such permitted use also may include the placement of additional buildings or other supporting equipment used in connection with such antenna so long as such building or equipment is placed within the existing structure or property and is necessary for such use. Telecommunications facilities are prohibited on all other structures.
2. The owner of such antenna support structure and/or telecommunications facilities shall, by written certification, graphic representation, and detailed plans to the technical review committee, verify that:
   1. The antenna support structure and telecommunications facilities comply with the statewide building code;
   2. Any telecommunications facilities and their appurtenances, located upon the roof of an antenna support structure, are set back a distance at least equal to the height of the telecommunications facilities. However, this setback requirement shall not apply to telecommunications facilities and their appurtenances, located above the roof of an antenna support structure, if such facilities are appropriately screened from view through the use of screening techniques that are compatible with the surrounding built environment and approved by the town. Setback requirements shall not apply to stealth antennas which are mounted to the exterior of antenna support structures below the roof, but which do not protrude more than 24 inches from the side of such an antenna support structure; and
   3. All applicable standards of this article are being met.

**Sec. 84-308.13. - Collocation; existing towers.**

An existing tower may be modified or demolished and rebuilt to accommodate collocation of additional telecommunications facilities as follows:

1. Application for a permit shall be made to the zoning administrator who shall have the authority to issue a permit without further approval by the town council.
2. The total height of the modified tower and telecommunications facilities attached thereto shall not exceed the lesser of the height of the existing tower or the maximum height for towers allowed under this article.
3. A tower which is being rebuilt to accommodate the collocation of additional telecommunications facilities may be relocated on the same parcel subject to the setback requirements of this article. However, if it is impossible for the tower to be rebuilt in compliance with the setback requirements of this article, such setback requirements shall require approval of a variance from the board of zoning appeals to allow the tower to be rebuilt in its exact previous location.
4. Notwithstanding any provision of this section to the contrary, telecommunications facilities meeting all building codes and required engineering standards may be collocated on existing towers without a special use permit.

**Sec. 84-308.14. - Abandonment.**

1. If the town receives notice pursuant to section 86-686, or if any tower shall cease to be used for a period of 365 consecutive days, the zoning administrator shall notify the owner, with a copy to the applicant, that the site will be subject to a determination by the zoning administrator that such site has been abandoned. The owner shall have 30 days from receipt of such notice to provide evidence that the tower has been in use or under repair during the period. If the owner fails to show that the tower has been in use or under repair during the period, the zoning administrator shall issue a final determination of abandonment for the site. Upon issuance of the final determination of abandonment, the owner shall, within 75 days, dismantle and remove the tower. If an owner fails to remove an abandoned tower within 75 days of the final determination of abandonment, the town may dismantle and remove the tower and recover the costs of the tower from the owner or by accessing the bond set forth in subsection (b) of this section. For the purposes of this section, removal includes all physical improvements associated with towers, including foundation and tower grounding.
2. To secure the obligation set forth in subsection (a) of this section, the owner shall post a bond or provide a letter of credit in an amount to be determined by the town manager, based on the anticipated cost of removal of the tower.

**Sec. 84-308.15. - Local government access.**

Owners of towers shall provide to the town collocation opportunities without compensation as a community benefit to improve radio communication for town departments and emergency services, provided that such collocation does not conflict with other provisions of this article.

**Sec. 84-308.16. - Reservation of rights.**

The town reserves the right to impose any other reasonable conditions it determines are necessary for the proper placement, construction, or modification of towers or facilities, and/or to impose any other reasonable conditions on the issuance of a special use permit for placement, construction, or modification of a tower or facilities.

**PART 309. – TEMPORARY USES**

**Sec. 84-309.01. Temporary Uses requiring a permit.**

The following uses shall obtain a permit prior to the commencement of use.

**Sec. 84-309.02. - Special events as defined in PART 101.**

1. Purpose: The special event shall not materially endanger the public health and safety, shall be in harmony with the area in which it is located, and shall not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
2. Permit requirements: The following special events shall require a permit.
3. All events utilizing Town property, regardless the number of attendees, except;
4. Private events associated with the rental of a park pavilion or town square, where the number of expected attendees is less than fifty (50) persons,
5. Town sanctioned events, to include farmers market at the square and similar events.
6. Events not on Town property, where the number of expected attendees exceed fifty (50) persons.
7. Any event that is expected to be in violation of the noise ordinance or is likely to disrupt pedestrian/vehicular traffic may be subject to these regulations regardless of the expected attendees.
8. Review process: The review process for applications requiring a permit shall be as follows.
9. Zoning Administrator will review the application for completeness and identify all agencies to make up the review team.
10. The review team will perform a cursory review of the application.
11. A meeting will be held with the applicant and members of the review team to identify concerns, provide comments, or propose revisions.
12. The review team will provide their recommendations to the Zoning Administrator.
13. The Zoning Administrator will prepare a final report and recommendation.
14. Approval process: All applications recommended for approval by the Zoning Administrator shall be approved by the Council.
15. Applications shall be review by Council during a Work Session and approved by during a Regular Meeting, except;
16. Any reoccurring applications without significant changes as determined by the Zoning Administrator, shall be placed on the consent agenda for Council approval during a regular meeting.
17. All local or state permits or licenses otherwise required shall be obtained before the special event permit is issued, and the event shall comply with all applicable County and State sales tax and other laws, rules and regulations.
18. The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
19. If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
20. Advertising for any event not sanctioned by the Town shall be the responsibility of the applicant. Town services shall not be utilized for advertising.
21. Adequate parking and parking areas as determined by the Zoning Administrator. Under no circumstances shall parking be permitted in the public rights-of-way. Parking may be provided off-site with advance written consent of the affected landowner and review and approval by the Zoning Administrator.
22. All requirements of public safety and health authorities shall be met. These standards include proper food and beverage safety, the provision of an adequate potable water supply and adequate provisions for the disposal of solid waste and wastewater and planning for the provision of security and emergency medical services.
23. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations. All improvements made to the property in conjunction with the special event shall be promptly removed upon the cessation of the event. A cleanup bond may be required.
24. A decision by the Zoning Administrator to deny a Special Event permit may be appealed to the Town Council upon written notice to the Town Manager.

**Sec. 84-309.03. - Temporary structures during construction.**

1. A development permit must be issued for the site prior to issuance of a permit for the temporary structures;
2. No such manufactured, modular or mobile office, or storage container shall be used as a sales or rental office;
3. The applicant shall submit a sketch of the site, identifying the location of the manufactured, modular or mobile office, and/or storage container, on a copy of the approved site plan for the project;
4. All temporary structures shall be removed prior to the occupancy approval for the development.

**Sec. 84-309.04. - Emergency residences.**

1. Temporary emergency residences may be established on a Lot during the repair or reconstruction of residences destroyed or made uninhabitable by fire, wind water or other catastrophic event.
2. Temporary residences used on construction sites of non-residential premises shall be removed immediately upon the completion of the project.
3. Permits for temporary residences to be occupied pending the construction, repair or renovation of the permanent residential building on a site shall expire within six months after the date of issuance. The Zoning Administrator may renew such permit for one additional period not to exceed three months after determining that such renewal is reasonably necessary to allow the proposed occupants of the permanent residential building to complete the construction, repair, renovation or restoration work necessary to make such building habitable.

**Sec. 84-309.05. - Portable storage containers.**

1. Containers used for more than 14 days, and less than 30 days may be place in any district, and;
2. Shall be located not to impede public right-of-way, any required public access or emergency ingress/egress.
3. Shall be indicated on an approved site plan for nonresidential uses,
4. Shall be indicated on a drawing provided with a zoning permit application.
5. Shall be permitted only upon the same lot as the principal structure it is accessory to. Containers are prohibited on any lot without a principal structure.
6. The Zoning Administrator may reserve the right to approve containers in the right-of-way for residential lots with no off-street parking. This area must be the area normally used for parking of the subject lot.

**Sec. 84-309. - Sales from vehicles.**

1. Mobile food services: A mobile food services permit is required for any mobile restaurant as defined in PART 101 of this Chapter.

Annual renewal of this permit is required at the time of food tax payments that authorizes the use for a calendar year.

Food sales shall only be permitted in the B-1, B-2 and B-H Districts.

The location of the vehicle cannot impede right-of-way access on streets, sidewalks, and parking lot travel ways.

Such uses shall be completely self- contained and are prohibited from utilizing any water from city hydrants, and disposing of liquid wastes, including but not limited to grease, into storm or sanitary sewers.

1. A single vendor that establishes the use in a single area for more than 90 days shall not be permitted as a temporary use. If the use is established for more than 90 days, the use is permanent and a site plan and occupancy is required.
2. Retail sales or services from a vehicle, trailer or similar vehicle is prohibited.

**PART 310. – OUTDOOR USES**

**Sec. 84-310.01. - Storage of inoperative vehicles prohibited except for certain uses.**

Notwithstanding any other provision of this chapter, inoperative vehicles shall be permitted only as follows:

1. In a lawful licensed vehicle impoundment yard for a maximum of 90 days; or
2. Secondary to a lawful motor vehicle repair facility for a maximum of 90 days; or
3. An accessory use to a lawful residential use for up to four inoperative vehicles. Inoperative vehicles shall be stored in a fully enclosed building or shall be fully screened from view from abutting property and streets, in an approved parking area.

**Sec. 84-310.02. - Storage of commercial vehicles.**

1. Commercial vehicles stored on a residential property shall be limited to one vehicle per operator in which that operator is employed by the commercial entity.
2. Commercial vehicle storage on nonresidential property shall be, up to three vehicles;
3. Within a screened storage area located in the side or rear yard, or within a building, as shown on an approved plan, or;
4. On an approved surface, located behind a structure to prevent the vehicle from being visible from the right of way.
5. Commercial vehicle storage in an Industrial District shall be an unlimited number of vehicles;
6. Within a screened storage area/motor vehicle impound yard or building, as shown on an approved plan, or;
7. On an approved surface, located behind a structure to prevent the vehicle from being visible from the right of way.

**PART 311. – BUFFER AREAS**

**Sec. 84-311.01. – Generally.**

Certain uses permitted by this chapter, when abutting each other, are incompatible and create conflict that may be reduced or eliminated by appropriate measures. Buffer areas established between incompatible uses minimizes these conflicts and the adverse impact of such essentially incompatible development. These provisions are intended to provide a mechanism whereby adjoining properties may be shielded from the adverse consequences of such development.

**Sec. 84-311.02. – General policy, buffer area required.**

1. Buffer areas are required on properties in accordance with the circumstances and widths specified Chapter 6 of the Technical Design Manual. The minimum buffer width is generally a uniform dimension across the entire length of the common property line. An existing required buffer area on an abutting property shall not be used to satisfy buffer requirements on a subject property, unless a reciprocal agreement has been recorded in the land records agreeing to providing the buffer or unless modified pursuant to section 84-311.03.
2. Notwithstanding the requirements of the Technical Design Manual, a parcel created and zoned before July 15, 2014, shall be required to provide no more than ten percent of its total area for such buffer, subject to the provision of an absolute minimum buffer of 15 feet on each parcel. The buffer area for lots eligible for the ten percent buffer requirement shall be calculated as follows: Total lot area times ten percent divided by the length of the common property line for which the buffer zone is required.
3. Every use requiring establishment of a buffer area shall note the following restriction regarding the use of such buffer on a plat or other instrument recorded among the land records: "Land designated as buffer area shall preserve existing vegetation, as appropriate, or shall be landscaped and may only be used for uses or facilities in accordance with the requirements of the Town of Strasburg zoning ordinance and the Technical Design Manual".
4. Buffer areas shall be established as separate common open space in residential areas when conveyed to a homeowner’s association or similar entity created to own and maintain common open space within the project. Buffer areas platted within residential lots by deed restriction shall be located such as to provide the minimum yard depth and lot area outside the buffer area required by the zoning ordinance. Said deed restriction shall specify maintenance in accordance with Town standards and limitations on the use of the buffer area.
5. Buffer areas may be counted as open space and may be used to meet the landscaping requirements of PART 312 of this Chapter et seq.
6. Community facilities, such as community recreational facilities or meeting houses when constructed as freestanding uses internal to a residential development, shall be treated as non-residential development for buffering purposes. Except when located internal to a multifamily development, a minimum 15-foot-wide landscaped area shall be established and maintained around the perimeter of the community facility and landscaped in accordance with the buffer requirements of the Technical Design Manual. All parking areas associated with the community facility shall meet the requirements of Chapter 6 of the Technical Design Manual. When a community facility is located along a property boundary at the edge of the residential development it serves, a buffer shall be provided in accordance with the Technical Design Manual.
7. A 100-foot-wide buffer, in accordance with Section 6.2.2 of the Technical Design Manual, shall be required between railroad right-of-way and adjoining property if the property is zoned, used as or planned for residential or agricultural uses.

**PART 312. – LANDSCAPING**

**Sec. 84-312.01. - Landscaping requirements—Purpose and intent.**

The landscaping requirements are intended to require the replacement and planting of trees and credit the preservation of trees on sites and in subdivisions to provide a minimum percentage of tree canopy cover in ten years that will contribute to the quality of life. Minimum tree canopy cover standards are prescribed by the Code of Virginia and are designed to protect public health and welfare. The preservation and replacement of trees will aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, groundwater recharge, and stormwater runoff retardation, while at the same time aiding in noise, glare, and heat abatement. Revegetation standards are also appropriate to ensure that the local stock of native trees and vegetation is replenished, as well as creating wildlife habitats.

The purpose of these provisions is to preserve and protect the unique identity and environment of the Town by preserving and replacing trees to preserve the economic base attracted to the Town, by enhancing property values, and by raising the quality of life. Whenever feasible, retention of existing woodland is encouraged, especially within areas visible from streets or from adjacent incompatible uses.

**Sec. 84-312.02. – Landscaping – Applicability**

1. The provisions of sections this PART 312 et seq., shall apply to all development where site plans or subdivision plans are required to be submitted for review and approval in accordance with ARTICLE X of this Chapter. Landscaping plans depicting the replacement and/or preservation of trees in accordance with these sections shall be submitted in accordance with the requirements of the Technical Design Manual.
2. All trees to be planted shall meet the specifications of the AmericanHort. The planting of trees shall be done in accordance with either the standardized landscape specifications jointly adopted by the Virginia Nursery and Landscape Association, the Virginia Society of Landscape Designers and the Virginia Chapter of the American Society of Landscape Architects, or the Guidelines for Plantings Along Virginia Roadways of the Virginia Department of Transportation.
3. Landscaped areas contained in required buffer areas may be utilized in meeting the requirements of section 84-312.03, in accordance with the provisions of the Technical Design Manual.
4. All required landscaping on a property, as shown on the approved site or subdivision plan, shall be maintained by the property owner and kept in a state of good repair. Plants that are irreparably damaged or dead shall be replaced promptly, as appropriate. The obligation to maintain required landscaping extends in perpetuity.

**Sec. 84-312.03. – Tree coverage**

1. The development of all land shall be subject to tree canopy cover requirements as set forth in Chapter 6 of the Technical Design Manual.
2. The percentage estimate of tree canopy cover measured at ten-year maturity shall be provided on the landscaping plans submitted as part of the site and/or subdivision plan. The ten-year maturity tree canopy cover estimate shall be based on the area within the boundaries of the development and the Town's tree selection guide contained in the Technical Design Manual. Site conditions must be appropriate for trees to reach a normal ten-year maturity for the particular species.
3. Trees planted to fulfill tree canopy cover requirements shall be located within the open space areas, parking lot landscape areas, setback areas, basic landscaping areas, and/or buffer areas of the site, all as defined herein and implemented in accordance with the Technical Design Manual.

**Sec. 84-312.04. – Parking lot landscaping requirement**

Surface off-street parking areas with 20 or more spaces shall contain interior planting strips or islands comprising at least five percent of the total parking area, except that parking and loading areas for tractor trailer trucks shall not be required to provide interior parking lot landscaping. Such landscaping shall meet the requirements of Chapter 6 of the Technical Design Manual and shall be in addition to any buffering or screening required elsewhere in this chapter. The interior of the parking lot is defined as the total area of aisles, parking spaces, planting islands, curbed areas, loading spaces, and corner areas within the parking lot.

**Sec. 84-312.05. – Phasing of landscaping**

When a site is developed in phases or sections, each phase or section shall contain the required percentage of tree canopy cover, unless the percentage of canopy cover for each section has been specifically identified on a comprehensive landscaping plan submitted and approved as part of the preliminary residential plan or nonresidential sketch plan of the entire site such that the entire site as a whole meets the required percentage. Notwithstanding, all basic landscaping and buffer area requirements of Chapter 6 of the Technical Design Manual shall be met.

**Sec. 84-312.06. - Emergency tree removal**

When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health, and general welfare following high winds, storms, tornadoes, hurricanes, floods, freezes, fires, or other natural or man-made disasters, the requirements of this section may be suspended by the Zoning Administrator for a period of up to 30 days in the affected areas, which can be extended as necessary by the Zoning Administrator.

**Sec. 84-312.07. - Exemptions for uses not required to comply with tree canopy cover requirements.**

In accordance with Code of Virginia, § 15.2-961, under active commercial production or management of agriculture; landfills; wetland preservation areas, dedicated school sites, playing fields, and other non-wooded recreation areas, lease lots or parcels for uses such as jails, pump stations, switching stations, water towers, utility rights-of way 40 feet or greater in width, or similar uses, are exempted from tree canopy cover requirements. Public uses not specifically exempted above shall comply with the tree canopy cover requirements, except where exempted by the Zoning Administrator for reasons of public health or safety.

**PART 313. – OUTDOOR LIGHTING**

**Sec. 84-313.01. - Purpose and intent.**

The purpose and intent are to establish outdoor lighting standards that reduce the impacts of glare, light trespass, overlighting, skyglow, and poorly shielded or inappropriately directed lighting fixtures, and that promote safety and encourage energy conservation.

**Sec. 84-313.01. - General outdoor lighting standards.**

1. All outdoor lighting fixtures shall be designed, shielded, aimed, located and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways. Parking lot light fixtures and light fixtures on buildings shall be full cut-off fixtures.
2. Street lighting shall be provided in accordance with the requirements of the Technical Design Manual.
3. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited. High intensity light beams, such as, but not limited to, outdoor searchlights, lasers or strobe lights shall be prohibited.
4. In parking lots, light fixture poles shall not be more than 30 feet in height. The average-maintained lighting level shall be determined by multiplying the initial raw lamp output specified by the manufacturer by a light loss factor of not less than 0.72.

**Sec. 84-313.01. - Outdoor lighting standards for nonresidential uses.**

1. The average-maintained lighting levels for nonresidential uses shall not exceed the following standards:
2. Five foot-candles for parking lot and other areas. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
3. Ten foot-candles along fronts of buildings and along main drive aisles. The maximum lighting level to average lighting level ratio shall not exceed 2.5 to 1.
4. Thirty foot-candles for high security areas, such as, but not limited to automated teller machines (ATMs), motor vehicle display areas and vehicle fuel station canopies, but not including parking lots. The maximum to average ratio shall not exceed 1.5 to 1 for canopy lighting, and 2.5 to 1 for pole- or building-mounted lighting. Lighting levels shall be reduced to a maximum of ten foot-candles after the close of business.
5. Light fixtures under any canopy shall be recessed into the canopy ceiling with a flat lens to prevent glare. The bottom of the fixtures may protrude a maximum of two inches from the ceiling. The portions of the canopy not included in the sign area shall not be illuminated.
6. Lighting levels shall not exceed 0.5 foot-candles at any common property line with property zoned, used as or planned for residential or agricultural uses.
7. Property owners may demonstrate compliance with the standards contained within this section by submitting a current photometric plan (less than 30 days old) that has been certified by a licensed lighting engineer to the Planning & Zoning Administrator.

**Sec. 84-313.01. - Outdoor lighting standards for recreational sports facilities lighting.**

1. The average-maintained lighting levels for recreational uses, shall not exceed the following:
2. Fifty foot-candles in the infield and 30 foot-candles in the outfield for baseball/softball. However, the maximum lighting level to average lighting level ratio shall not exceed two to one.
3. Fifty foot-candles for football/soccer fields. However, the maximum lighting level to average lighting level ratio shall not exceed two to one.
4. Fifty foot-candles for tennis courts. However, the maximum lighting level to average lighting level ratio shall not exceed two to one.
5. Thirty foot-candles for basketball courts. However, the maximum lighting level to average lighting level ratio shall not exceed two to one.
6. Five foot-candles for golf related facilities (20 foot-candles maximum for driving range tees). However, the maximum lighting level to average lighting level ratio shall not exceed two to one.
7. Five foot-candles for parking lots. However, the maximum lighting level to average lighting level ratio shall not exceed 2.5 to one.
8. All light fixtures/light poles shall be set back a minimum of one foot for every foot in height from any residential property line or right-of-way.
9. Lighting levels shall not exceed 0.5 foot-candles at any common property line with property zoned, used as, or planned for residential or agricultural uses.
10. All newly lighted fields shall be turned off within one-half hour after the games are over, preferably with override timing devices which will automatically turn off the lights.

**Sec. 84-313.01. - Outdoor lighting standards for multifamily uses.**

The average-maintained lighting levels for multifamily units shall not exceed the following:

1. 0.5 foot-candles at property line boundaries.
2. Ten foot-candles at buildings, parking lots and other areas. The maximum to average ratio shall not exceed 2.5 to one.

**Sec. 84-313.01. - Outdoor lighting standards for buildings, statues, other man-made objects and landscapes.**

Spotlighting or floodlighting used to illuminate buildings, statues, signs or any other objects mounted on a pole, pedestal or platform, or used to accentuate landscaping shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be substantially confined to the object intended to be illuminated to minimize glare, sky glow and light trespass. The beam width shall not be wider than that needed to light the feature with minimum spillover. The lighting shall not shine directly into the window of a residence or directly into a roadway. Light fixtures attached to a building shall be directed downward.

**Sec. 84-313.01. - Exemptions from lighting ordinance.**

1. Lighting of the American flag, and lighting not subject to this chapter by state or federal law.
2. Street lighting installed per the Technical Design Manual, the Virginia Department of Transportation, and/or the building code.
3. Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less.
4. Construction and emergency lighting used by construction workers or police, firefighting, or medical personnel, provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency requiring said lighting.

**Sec. 84-313.01. - Site and subdivision plan requirements for outdoor lighting.**

1. As part of the submission for a site plan or a building, electrical or sign permit to install outdoor lighting fixtures as part of the application, the applicant shall submit evidence that the proposed work complies with this section.
2. A photometric plan shall be prepared by a licensed lighting engineer and submitted with a site plan.

**PART 314. – LIVESTOCK AND FOWL**

**Sec. 84-314.01. – Keeping of livestock and fowl within an agricultural district.**

1. For the purposes of this section:

A. The term "livestock" refers to all breeds of cattle, goats, horses, llamas, sheep, and swine, including miniatures of each.

B. The term “fowl” refers to all breeds of chickens, ducks, geese, guineafowl, peafowl, swans, and turkeys.

C. The term “chicken” refers to a domesticated type of fowl from the genus Gallus that is commonly kept for egg production. The female bird is known as a hen and the male counterpart a rooster.

2. It shall be unlawful for any person to raise or keep livestock or fowl within an agricultural district with the exception of the following:

A. The property on which the livestock or fowl is kept is at least three acres in size, and;

B. The livestock or fowl are securely fenced or are otherwise prevented from escape.

3. On properties of five or more acres, one animal unit is allowed for each acre in the property which is set aside for animal use.

A. An animal unit consists of:

i. One bull, cow, llama, or steer; or;

ii. Three horses; or;

iii. Six goats, sheep, or swine or any combination thereof; or;

iv. 12 chickens, turkeys, ducks, geese, guineafowl, peafowl, or swans, or any combination thereof. With a maximum of three animal units.

B. For horses, goats, sheep, swine, chickens, turkeys, ducks, geese, guineafowl, peafowl, or swans the number of animals shall be rounded to the next higher whole unit.

C. For the purposes of subsection (c), an animal shall not be counted until it reaches the age of eight months.

4. Structures on a parcel that support the keeping of animals are accessory structures and require a zoning approval prior to construction and/or use.

5. Animals' owners shall be subject to the town nuisance restrictions

**Sec. 84-314.02. - Keeping of livestock and fowl within a residential district, other than an agricultural district.**

Except for chickens, no livestock or fowl shall be permitted in a residential district other than agricultural. For the keeping of chickens in a residential district, the following standards shall apply.

1. Lot standards:

A. Keeping of chicken shall be permitted in all residential districts, as a secondary use to single-family detached dwellings.

B. The minimum lot size shall be 6,250 square feet.

C. In non-agricultural districts, no more than twelve (12) chicken hens shall be allowed for each single-family dwelling.

D. For lots 3 acres or larger in agricultural districts, the number of chickens allowed shall be as permitted in Sec. 84-314.01.

2. Use of chickens:

A. Chickens allowed under this section shall only be raised for domestic purposes, and no commercial use, such as selling eggs or selling chickens for meat, shall be allowed.

B. The outdoor harvesting (slaughtering) of any chicken is prohibited.

C. Roosters are prohibited.

D. Chickens shall not be allowed to roam free, and they shall be kept in a pen or coop at all

times. It shall constitute a violation of this chapter for any person to allow or permit any chicken to roam at large within the Town.

1. No hen kept pursuant to the terms of this section shall be deemed a companion animal per Section 3.2-6500 of the Code of Virginia.

3. Pen requirements:

A. All coops and pens shall be deemed an accessory structure and shall require the approval of an accessory structure permit prior to the use commencing.

B. All coops and pens shall comply with the rear yard and side yard setbacks. Coops and pens shall be located in the rear yard.

B. Pre-manufactured coops and pens may be made from any material. Otherwise, the following materials may not be used to construct coops and pens: Tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.

C. Pens shall be located a minimum of five (2) feet from any other structure.

E. Pens shall be located at least twenty (20) feet from streams, tributaries, ditches, swales, storm water management facilities, drop-inlets, or other storm drainage areas that would allow fecal matter to enter into and contaminate both manmade and natural storm drainage systems.

4. Maintenance:

A. Odors from chickens, manure, or other chicken-related substances shall not be

detectable at any time at the property boundaries.

B. All feed for the chickens shall be kept in a secure container or location to prevent the attraction of rodents and other animals.

C. Chicken litter and waste shall not be deposited in any trash container that is collected by any public or private waste collector and shall be disposed of by composting on site, collected by a bona fide poultry litter service, or bagged and taken directly to a landfill.

D. Any dead bird shall not be deposited in any city storm drainage system or stream or trash container that is collected by any public or private waste collector but shall be either composted or buried on site or taken to the landfill. Further, all unexplained bird deaths shall be reported to the Virginia Department of Agriculture and Consumer Services prior to composting, burial, or disposal.

5. Zoning requirements

A. Prior to locating such chickens on his or her property, such owner shall obtain a permit from the town for the pen/accessory structure.

B. An application with sketch showing the area where the chickens will be housed, the types and dimensions of pens in which the chickens shall be housed, setback measurements, the location of existing structures, and property lines.

C. Violation of any provision of this section shall constitute a Class 4 misdemeanor and each day in violation after notification in writing shall constitute a separate offense.

D. In the event of the zoning administrator receiving and verifying three credible complaints of

violation of any provision of this chapter and after notice given of such to the permit holder, the permit may be revoked.

1. Upon revocation of the permit, chickens must be removed within 30 days or be subject to removal. Any person(s) having a permit revoked shall not be allowed, at any time, to submit an application for another permit for five years.

**PART 315. – FENCES AND WALLS**

**Sec. 84-315.01. – Fences and walls, general.**

1. Fences and walls shall have a 0-foot setback to adjacent property and a 2-foot setback from any right-of-way.
2. Fences shall not be designed in a manner to restrict access within an access easement.
3. Fences within Town of Strasburg utility easements;
   1. Fences may cross the town utility easement.
   2. Fences shall not run parallel to and within a town utility easement.
   3. The Town of Strasburg Hold Harmless Agreement shall be included with a zoning permit application for any fence crossing a town utility easement.
4. The town shall not be held responsible for other utility and access easements not identified within the zoning permit application.
5. Barbed wire, razor wire or other fence materials designed to cut, or puncture are prohibited in all districts, except in the M-1 district.
6. For corner lots, fences and walls shall not be placed within intersection sight triangles as identified in Section 3.1.7 of the Technical Design Manual
7. Fences used as pool barriers shall meet the regulations set forth in the Virginia Uniform Statewide Building Code.
8. For lots with unusual conditions, the Zoning Administrator shall have the power to wave these regulations when it may be shown by the Applicant that extraordinary hardships or identifiable concerns are brought about by strict compliance with these regulations and that a waiver is required so that substantial justice may be done, and the public interest and safety are secured provided that such variations shall not have the effect of reducing or nullifying the intent of this ordinance.

**Sec. 84-315.02. – Fences and walls accessory to a residential use.**

1. Fences located within side and rear yards of residential uses:
2. Height. The maximum height shall be six feet.
3. Fences located within front yards of residential uses:
4. Chain link and chicken wire materials are prohibited. 14 Guage, 2-inch by 4-inch box wire mesh may be installed in the interior side of a wooden fence structure.
5. Height.
   1. The maximum height shall be 4 feet.
   2. Fences in the front yard on a property line that abut the rear of an adjacent residential lot shall have a maximum height of 6 feet.
6. Fence design. shall be picket or wrought-iron style and 60% opaque.
7. Fences of historic design. Fences that are architecturally or historically significant may be repaired or replaced with a similar design and are exempt from this Section.

**Sec. 84-315.03. – Retaining wall maintenance easements**

1. A maintenance easement shall be dedicated for retaining walls.
   1. Easements shall meet Section 1.12.D of the Technical Design Manual.
2. For detached dwelling lots, where the required maintenance area identified in subsection 1 is completely on the parcel of the dwelling, a recorded easement is not required. This area shall be identified on a drawing provided with the zoning application.

**PART 316. – STORMWATER MANAGEMENT AND BMP FACILITIES**

**Sec. 84-316.01. – Location of SWM and BMP facilities.**

Stormwater Management and BMP facilities shall be located in conformance with Chapter 2 of the Technical Design Manual, all Shenandoah County requirements and regulations, and all Virginia Department of Environmental Quality regulations.

**Sec. 84-316.02. – Maintenance of SWM and BMP facilities.**

1. The property owner of any parcel containing SWM and BMP facilities shall have the facility inspected by an individual certified as an ESC & SWM inspector through VADEQ.
2. Periodic inspections of the facilities are required. The inspection shall be no more than 5 years from the date of the last inspection or from the initial construction approval.
3. A report of the inspection must be provided to the town. The report shall consist of:
   1. A copy of the inspection report, to include any recommended maintenance.
   2. A copy of the inspector’s certification, except when performed by Shenandoah County.
4. Any maintenance to a facility other than grass cutting and grubbing requires a permit. The application for permit shall be submitted within 6 months of the date on the inspection report. It shall be at the discretion of the Shenandoah County Stormwater reviewer to determine if a plan is required. A copy of the final inspection approval shall be provided to the town.

**PART 317. - DEVELOPMENT TO BE ON PUBLIC WATER AND PUBLIC SEWER**

**Sec. 84-317.01. – When public connection is required.**

1. When available to the site, connection to the public water system shall be required for development of:
2. Newly created lots for residential uses
3. Infill lots for residential uses
4. Nonresidential uses.
5. The minimum lot size for any lot not served by public water facilities shall be one acre.
6. For lots proposed to not be connected to public water and sewer, shall provide written approval by the Shenandoah County Health Department of the required water supply or waste disposal systems.
7. For the purposes of this section, public water and sewer shall be deemed available if located within 2,500 feet of the site.

**PART 318. – INFILL DEVELOPMENT**

**Sec. 84-318.01. – Purpose.**

The purpose of providing alternate standards for infill development is to allow for new construction to be harmonious with the existing design standards and architecture of the neighboring structures of the same use.

**Sec. 84-318.02. – Application information.**

If a property owner requests the Zoning Administrator to consider an alternative standard on an infill lot, the Applicant shall provide all documentation of the neighboring properties.

**Sec. 84-318.03. – Standards to be considered.**

The following standards may be altered to meet the neighboring property conditions.

1. Front setbacks;
2. Side and rear setbacks, no closer than 5 feet;
3. Building height;
4. Off-street parking;
5. Lot coverage;
6. Road frontage.

**Sec. 84-318.03. – Review considerations.**

The Zoning Administrator shall determine if the proposed alternate standards is;

1. Consistent with neighboring property;
2. Does not create an unsafe condition;
3. Neighboring conditions are not in violation;
4. Promotes the harmonious design of the neighborhood;
5. Promotes historical architectural designs.

**Sec. 84-318.03. – Infill of exiting lots with the development of Tiny Homes.**

Tiny Houses may be permitted for infill development of existing lots or as cluster development as identified in Section 84-703.03.

**Sec. 84-318.03. – Development standards for Tiny Home infill lots.**

1. Tiny House Cluster developments are permitted in any residential zoning district except in districts classified as Residential Historic District (R-H). The development of Tiny Houses shall comply with all applicable requirements unless otherwise amended herein.
2. Setbacks
   1. Front 25 feet
   2. Rear 20 feet
   3. Side 8 feet
   4. Side from right-of-way 15 feet
3. Lot Coverage 50%
4. Two off-street spaces shall be provided in accordance with Part 307 and Chapter 3 of the Technical Design Manual.

**PART 319. – SHORT-TERM RENTAL USES**

**Sec. 84-319.01. – Definitions.**

1. Short-term rental owner: Any person or entity that meets the definition of “operator’ as defined in §15.2-983, as amended, of Virginia State Code.
2. Short-term rental: Any residential use that falls within the definition of short-term rental as defined in §15.2-983, as amended, of Virginia State Code.
3. Short-term rental, not occupied by owner: Any short-term rental where owner does not reside on the property when guests are in residence.
4. Short-term, owner-occupied: Any short-term rental where the owner of the property also resides on the same property during such period when guests are in residence.

**Sec. 84-319.02. – Purpose.**

The purpose of this chapter is to establish regulations for the short-term rental of privately-owned residences, in whole or in-part, including Bed & Breakfast Establishments. The performance requirements in this chapter are intended to allow and facilitate the operation of short-term rental and bed and breakfast establishments while maintaining the health, safety, and welfare of existing and future neighborhoods. The performance requirements in this section are in addition to any other county, state, or rental platform requirements.

**Sec. 84-319.03. – Performance Standards.**

1. Short-term rental owners shall be subject to the following requirements.
2. The owner shall obtain a zoning permit to be reviewed on an annual basis by staff. The owner shall obtain an annual business license and pay appropriate Transient Occupancy Tax as outlined in Article VII of the Town Code.
3. If the owner of a short-term rental does not reside at the property or locally, the owner shall designate a local property representative. The owner or representative shall be available to respond, physically, within one hour to complaints regarding the condition, operation, or conduct of occupants of the short-term rental. The name, address, and telephone number of the owner and/or local property representative shall be kept on file with the Town. If the owner does not reside at the rental property but lives locally and is able to respond as required, they may function as the local property representative.
4. Prior to issuance of a zoning permit, the Shenandoah County Building official or their technical assistant must do a life safety inspection of the short-term rental to ensure that all applicable Virginia Uniform Statewide Building Code requirements are met; including, but not limited to, regulations regarding fire extinguishers, carbon monoxide detectors, and emergency exits.
5. The owner of a short-term rental shall give the Town and Shenandoah County Building Department written consent to inspect the rental property to ascertain compliance with all applicable performance standards upon a twenty-four-hour notice.
6. Emergency information must be conspicuously posted inside the property, including contact information for the owner and/or local property representative.
7. All short-term rentals shall meet parking requirements of the applicable zoning district, plus one additional off-street parking space per available guest room, in order to accommodate rental guests.
8. The owner shall provide an informational packet to each new guest. Review of this information packet is required upon issuance of Zoning Permit. The information must include, but is not limited to:
9. Maximum occupancy as outlined in Section 6.12 of the UDO
10. Location of off-street parking
11. Code references applicable to noise as outlined in Section 6.12 of the UDO
12. Use restrictions as outlined in applicable Zoning District
13. Guidelines for trash storage and removals
14. Evacuation routes in case of fire or emergency
15. Owner or Local property representative information
16. If the operator of the short-term rental is not the property owner, written consent from the property owner must be submitted with the application for a zoning permit.
17. In addition to section 6.2.2 A, Bed and breakfast establishments shall be subject to the following requirements:
18. Permitted only in single-family dwellings.
19. A maximum of five guestrooms, with a maximum occupancy of 15 persons.
20. Food service shall be limited to the breakfast meal and shall be available only to guests and not to the general public in any residential district.
21. No receptions, private parties, or other events, for fee shall be permitted.
22. Any amenities such as tennis court, swimming pool, etc., shall be solely for the use of the resident owner and guests of the facility.
23. Provisions applicable to Bed and Breakfast Establishments as required by the Uniform Statewide Building Code shall be met.
24. Issuance of owner permit from the Shenandoah County Health Department is required.
25. The maximum length of stay for each guest shall be 30 days or less.
26. The owner(s) or property representative shall be available to respond in person within one hour to complaints regarding the condition, operation, or conduct of occupants of the Bed and Breakfast Establishment.
27. A Bed and Breakfast shall have frontage on an improved public street.
28. One off street parking space shall be provided for each guest room.

**Sec. 84-319.03. – Penalties.**

1. A Zoning Permit may be revoked or suspended for the following reasons:
2. Three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements and exceeding occupancy limits.
3. The repeated of failure of any short-term rental or bed and breakfast owner to respond physically to in a timely manner to complaints regarding the condition, operation, or conduct of occupants.
4. A fine of $200.00 will be issued to any owner that:
5. Fails to obtain a zoning permit.
6. Receives three or more substantiated complaints including, but not limited to, noise, excess trash, failure to meet parking requirements, and exceeding occupancy limits.

**PART 320. – FLOODPLAIN PROTECTION**

**Sec. 84-320.01. – Generally**

1. The Applicant shall consult all available engineering, soils studies, historical information and data, including anecdotal testimony and reports, and delineate the 100-year floodplain on the plat of his land.
2. The Town shall not approve any plat in which a structure or street will be located within the area subject to flooding by a flood of 100-year frequency unless such structure is adequately flood proofed and approved under the appropriate building code or the street has been approved by VDOT.
3. Development within the flood plain shall meet the requirements of the Floodplain Overlay District, in Part 801 of this chapter.

Sec. 84-320.02. Development and Design Standards

1. Base Flood Elevation Data Required. All new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals base flood elevation data. Code of Federal Regulations 44 CFR 60.3(b) section (3).
2. In the Floodplain Protection Districts, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in the 100-year flood elevation.
3. Permit Requirement
   1. All uses, activities, and development occurring within any Floodplain Protection District shall be undertaken only upon the issuance of a Zoning Permit.
   2. Development within a Floodplain Protection District shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances, including the Virginia Uniform Statewide Building Code and this chapter.
   3. Prior to the issuance of any such permit, the Zoning Administrator shall require all applications to include or verify compliance with all applicable state and federal laws.
   4. Under no circumstance shall any use, activity, and/or development adversely affect the capacity of the channels or floodway of any watercourse, drainage ditch, or any other drainage facility or system.
4. Alteration or Relocation of Watercourse
   1. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, etc., within this jurisdiction, a permit shall be obtained from the U.S. Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission, for which a joint permit application is available from any of these organizations.
   2. The Applicant shall notify all affected adjacent jurisdictions, the Department of Environmental Quality, and FEMA of the proposal.
5. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall insure proper drainage along streets and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
6. Site Plans and Permit Applications. All applications for development in the Floodplain Protection District and all Zoning Permits issued within the Floodplain Protection District shall incorporate the following information:
   1. For structures to be elevated, the elevation of the lowest floor (including basement) and its height above the floodplain.
   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.
7. Recreational Vehicles. Recreational vehicles placed on sites shall either meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building Code; or be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

Sec. 84-320.03. Existing Structures in Floodplain Protection Districts

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions, may be continued subject to the following conditions:

1. Existing structures in the Floodplain Protection District shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed expansion would not result in any increase in the 100-year flood elevation.
2. Any modifications, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use located in any floodplain area to an extent or amount of less than 50% of its market value, elevation and/or flood proofing should be considered to the greatest extent possible.
3. The modification, alteration, repair, reconstruction, or improvement of any kind to a structure and/or use, regardless of its locations in a floodplain area, to an extent or amount of 50% or more of its market value shall be undertaken only in full compliance with the provisions of this chapter and the Virginia Uniform Statewide Building Code.

**PART 321. – RIPARIAN PROTECTION AREAS**

1. Riparian Protection Areas (RPA) are measured from each defined edge of an identified watercourse or surface water body at bankfull flow or level or shall equal the extent of the 100-year floodplain, whichever is greater. All Site Plans, plats and development plans shall reserve the following riparian protection areas:
   1. Along an ephemeral stream - 25’;
   2. Along an intermittent or perennial stream - 50’;
   3. Along the Shenandoah River - 100’.
2. Boundary Expansion. While the buffer is considered the general standard, there are situations where the presence of an ecologically sensitive area shall require a modification to this buffer width. In order to ensure the protection of stream integrity, the Zoning Administrator may require buffer expansions to accommodate wetlands and areas of steep slope.
3. Activity Within RPA.
   1. Development may occur with an RPA upon receiving Special Use Permit approval.
   2. Existing vegetation within the riparian protection area should be retained to the greatest extent possible.
   3. Best Management Practices should be incorporated into all development proposals.
4. Boundary Interpretation and Appeals Procedure
   1. When an Applicant disputes the boundaries of the riparian buffer or the defined edge of a watercourse or surface water body, the Applicant shall submit evidence to the Zoning Administrator that describes the boundary, presents the Applicant's proposed boundary, and presents all justification for the proposed boundary change.
   2. The Zoning Administrator shall evaluate all material submitted and shall make a written determination within 30 days, a copy of which shall be submitted to the Town Council and Applicant.
   3. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Town Council under the provisions of this chapter. The Applicant shall have the burden of proof in case of any such appeal.

**PART 322. – STORM DRAINAGE**

**Sec. 84-322.01. Generally**

Storm drainage shall meet the standards and specifications of the Shenandoah County Sediment and Erosion Control Ordinance, additional requirements established by this chapter, and Chapter 2 of the Technical Design Manual.

Storm sewers and related installations shall be required only when the runoff of stormwater cannot be satisfactorily handled within the street pavement.

Where existing storm sewers are located within 500 feet, the proposed subdivision shall be connected with said storm sewers.

In the design of storm drainage facilities, steps shall be taken to avoid drainage problems which may arise from the concentration of stormwater running off onto adjacent developed or undeveloped properties or the collection of water at low points in the subdivision and along streets.

Water shall be drained away from on-site sewage disposal facilities.

Storm drainage facilities shall be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in runoff that will occur when all the property at a higher elevation in the watershed is fully developed.

Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a drainage easement conforming substantially with the line of such watercourse, drainageway, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving, or protecting such drainage facilities.

Any changes in the existing drainageway shall be subject to the approval of the state water control board.

All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.

The Applicant shall provide for all such drainage improvements as required by this ordinance together with a certified engineer's or surveyor's statement that such improvements will be adequate for proper development.

**Sec. 84-322.02. - Grading and Land Disturbance**

The Applicant shall cause all grading, excavations, open cutting, and similar land surface disturbances to be mulched, seeded, sodded, or otherwise protected.

**Sec. 84-322.03. - Erosion and Sediment Controls**

Erosion and sedimentation control measures shall meet the standards and specifications of the Shenandoah County Sediment and Erosion Control Ordinance, additional requirements established by this chapter, and the Technical Design Manual**.**

**PART 323. – PUBLIC UTILITIES**

**Sec. 84-323.01. – Service areas.**

1. The Town of Strasburg owns and operates drinking water (potable), sanitary sewer systems inside and outside of the unincorporated Town limits of Shenandoah County. The Town of Strasburg also operates public roadways within the Town limits with the exception of VDOT dictates control of Routes 11 and 55.
2. In all situations involving the initiation of a new service from one of these systems, or the modification of an existing service, the landowner is responsible for acquiring an application for connection to the Town.
3. In addition to making service connections, it is necessary to extend the public main in all situations where the property in question does not have immediate access to the Town of Strasburg distribution or collection mains. Extensions of the public main entail design and installation of new pipeline, in accordance with the provisions of the TDM, and all applicable County, State, and Federal codes and regulations.
4. Prospective Applicants should consult with the TDM and or the Director of Public Works to determine whether the property in question can be served.
5. The Town of Strasburg will not accept community systems and/or private systems for water and/or wastewater. These systems will further not be permitted in the Town of Strasburg.
6. Other public utilities, such as electricity and gas are provided by other sources.

**Sec. 84-323.02. – Utility easements.**

1. Easements shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water mains and/or other utility lines intended to serve the abutting lots, in as directed.
2. No structures or trees shall be placed within such easements. Fences that cross perpendicular to an easement may be permitted on a case-by-case basis. Any approved fence over an easement requires a signed a Town of Strasburg Hold Harmless Agreement.
3. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
4. Easements shall be in accordance with requirements of appropriate utility companies and the Town of Strasburg Technical Design Manual.

**Sec. 84-323.03. –Water.**

1. Whenever an existing public or approved community water system is determined by the Town to be geographically and economically accessible to a proposed subdivision, the Applicant shall provide an approved distribution system which shall be designed to connect with such system in accordance with state health department standards.
2. Such systems shall furnish an adequate supply of water to each lot, with adequate main sizes and fire hydrants located to meet the specifications of the ISO ratings. Suitable agreements shall also be established for the ownership and maintenance of such distribution system. In accordance with these regulations, the Applicant may be required to provide his own community water system.
3. The Applicant shall construct all water lines on the subdivision site that are located within the public right-of-way at his own cost. This shall also include water taps from the main water line to each front lot line within the subdivision in order to serve each lot with water facilities.
4. All approved systems shall be identified on a recorded easement plat. If the approved system is to be brought into the public system, the applicant shall be responsible for preparing and recording all deeds and plats.

**Sec. 84-323.04. – Sewer.**

1. The Applicant shall provide the type of sanitary sewage disposal facility determined by the Planning Commission to be consistent with existing physical, geographical and geological conditions.
2. The following types of sanitary sewage disposal facilities are listed in order of desirability:
   1. Public sanitary sewage collection and treatment system.
   2. Community sanitary sewerage system with a temporary sewage treatment plant is not permitted.
   3. Individual on-site sewage disposal system is not permitted.
3. Sanitary sewers shall be designed and constructed in strict accordance with department of health and/or state water control board standards, whichever is applicable.
4. Sanitary sewers shall not be used to carry stormwater.
5. The Applicant shall construct all sewer lines on the subdivision site that are located within the public right-of-way at his own cost.
6. This shall also include sewer taps from the main sewer line to each front lot line within the subdivision in order to serve each lot with sewer facilities.

**PART 324. – SPECIAL EVENTS**

**Sec. 84-324.01. – Purpose.**

1. Provide for the temporary use of land or buildings for special events in a manner consistent with its normal use and beneficial to the general welfare of the public;
2. Protect nearby property owners, residents and businesses from special events which may be disruptive, obnoxious, unsafe or inappropriate given site conditions, traffic patterns, land use characteristics and the nature of the proposed use;
3. Preserve the public health, safety and general welfare;
4. Identify the required services to be provided by town staff or a third party, and
5. Provide that all costs associated with fulfilling the requirements of this section shall be the responsibility of the Applicant or landowner requesting the special event.

Sec. 84-324.02. – Guidelines

1. The guidelines shall ensure that the special event shall not materially endanger the public health and safety, shall be in harmony with the area in which it is located, and shall not unreasonably disrupt or interfere with the flow of traffic or the rights of adjacent or surrounding property owners.
2. Except as provided in this section, events not on town property, where the number of expected attendees is less than fifty (50) persons are exempt from permits.
3. Special Events where the number of expected attendees exceeds fifty (50) persons but is less than two hundred and fifty (250) persons shall be reviewed by the Zoning Administrator. The Zoning Administrator shall then have the allotted time in accordance with section 2.34.8 to render a decision on the application. A decision to deny a Special Event permit may be appealed to the Town Council.
4. Permits for Special Events that require Town Council approval are;
   1. Events of any size on town property, or
   2. events where the number of expected attendees is two hundred and fifty (250) or more persons.
   3. Events that have occurred annually for five (5) years are excepted from Town Council’s review, but are still subject to review by the Zoning Administrator. If the current hosting party changes, if the event is not held for one calendar year, or if the event is found to be in violation, this exception will be voided.
5. Any event that is expected to be in violation of the noise ordinance or is likely to disrupt pedestrian/vehicular traffic may be subject to these regulations regardless of the expected attendees.
6. All local or state permits or licenses otherwise required shall be obtained before the special event permit is issued, and the event shall comply with all applicable County and State sales tax and other laws, rules and regulations.
7. The permit may impose conditions limiting the hours and duration of the event, preventing disruption of adjacent uses, and assuring removal of litter caused by the event at no expense to the Town.
8. If the permit Applicant requests the Town to provide extraordinary services or equipment or if the Town Manager otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the Applicant shall be required to pay to the Town a fee sufficient to reimburse the Town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
9. Adequate parking and parking areas as determined by the Zoning Administrator. Under no circumstances shall parking be permitted in the public rights-of-way. Parking may be provided off-site with advance written consent of the affected landowner and review and approval by the Zoning Administrator.
10. All requirements of public safety and health authorities shall be met. These standards include proper food and beverage safety, the provision of an adequate potable water supply and adequate provisions for the disposal of solid waste and wastewater, and planning for the provision of security and emergency medical services.
11. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations. All improvements made to the property in conjunction with the special event shall be promptly removed upon the cessation of the event. A cleanup bond may be required.

**PART 325. – USES NOT PERMITTED WITHIN TOWN LIMITS**

**Sec. 84-325.01. – Uses not permitted.**

The following uses are strictly prohibited within all districts.

1. Junk and salvage yards;
2. Adult uses;
3. Casino or gambling except video machines as an incidental use;
4. Slaughter house;
5. Resource extraction, mining, and fracking.

**Sec. 84-325.02. - Junk or Salvage Yard**

1. To protect the inhabitants of the Town by requiring property to be kept in a clean state and to prohibit the accumulation of weeds, litter, refuse, junk, abandoned motor vehicles, abandoned equipment, abandoned household appliances, and the like, the improper storage of commercial vehicles, prohibiting litter and refuse, prohibiting the storage of inoperable, derelict or unsightly junk vehicles, motor vehicle, equipment, boat barge, water craft, household appliance, machinery or similar items is declared to be a public nuisance and is prohibited.
2. Health and safety standards
   1. The storage or parking other than overnight of any commercial vehicle, commercial trailer, commercial equipment, or any other movable structure, vehicle or thing in any kind designed or utilized for commercial purposes in an area zoned residential is hereby prohibited as being a public nuisance. A vehicle that does not have a current license and registration is presumed a stored vehicle.
   2. It shall be unlawful for an owner or occupant of a lot or parcel of land to permit or suffer the excess accumulation of litter or refuse upon such lot or parcel. It shall be the duty of every occupant of a building or parcel of land to keep the premises clean and to remove there from all litter and refuse, except that in the case of motels, hotels, boardinghouses, multifamily residences and similar places the owner or lessee of the entire structure or complex shall have the duty to keep all common areas such as hallways, porches, lobbies, yards, parking lots, sidewalks, and similar places clean and free of litter and refuse, the violation of this Section being hereby found to be a public nuisance.
   3. Except in the operation of lawful junkyards and automobile salvage yards that are in compliance with all applicable laws and ordinances, it shall be unlawful and a public nuisance for any person to have or to place on an area of land with or without buildings used for or occupied by a deposit, collection or storage (except inside a completely enclosed building) of used or discarded materials such as wastepaper, rags, scrap materials, used building materials, house furnishings, machinery, and vehicles or parts thereof. Specifically, a deposit or the storage of two (2) or more inoperable vehicles or parts of two (2) or more such vehicles for one (1) month or more in a residential district, or for three (3) months or more in any other district, shall be deemed a junkyard.