



Town of Marion, Va. Zoning Ordinance

Adopted November 20, 2023



Town Council

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VICE MAYOR- DR. JAMES L. GATES

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ZONING ORDINANCE OF THE TOWN OF MARION, VIRGINIA

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Certification of Adoption

I certify that the following has been duly adopted to the requirements of the Virginia Code

W.W. Scott, Jr., Mayor	July 19, 1982
Marshall E. Guy, Mayor	December 7, 1992
David P. Helms, Mayor	October 7, 2004
David P. Helms, Mayor	March 2, 2015
David P. Helms, Mayor	November 20, 2023

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LAND USE

ARTICLE I. – Zoning

DIVISION 1. – GENERALLY

Sec. 1-1. - Short title.

This article shall be known and may be cited as the "Zoning Ordinance of Marion, Virginia," and the map herein referred to, which is identified by the title "Marion, Virginia Zoning Map," shall be known as the "Zoning Map of Marion, Virginia." The zoning map and all explanatory matters are hereby adopted and made a part of this article.

Sec. 1-2. - Purpose.

The general purposes of this article are to promote the health, safety, convenience, order, prosperity, and general welfare of the people of the town of Marion. Accordingly, the districts shown on the zoning map have been designated after consideration as to the character of each district, its suitability for particular uses, its relation to the general land use plan for the town, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town to the end that the town may become a more desirable place in which to live.

More specifically, this article is designed to give reasonable consideration to each of the purposes of zoning ordinances identified in the Code of Virginia [§15.2-2283](#), as amended, and to implement the Comprehensive Plan of Marion, Virginia.

Sec. 1-3. - Legislative Authority

This article and map are adopted according to the authority of the Code of Virginia, [§15.2-2280](#) et seq., as amended. As specified therein, the Town of Marion is authorized to provide for the establishment of districts within the corporate limits in which the town may regulate, restrict, permit, prohibit, and determine:

- (a) The use of land, buildings, structures, and other premises for agricultural, business, industrial, residential, floodplain, and other specific uses;
- (b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing, or removal of structures;
- (c) The areas and dimensions of land, water, and air space to be occupied by buildings, structures, and uses, and of courts, yards, and other open areas to be left unoccupied by uses and

structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used; or

- (d) The excavation or mining of soil or other natural resources.

Sec. 1-4. - Compliance.

No building or land shall be used, and no construction or part thereof shall be erected, moved, or altered except in conformity with the regulations specified for the district in which it is located, except as from now on provided in this article.

Sec. 1-5. - Nonconforming uses, buildings, and structures

- (a) Nothing in this article shall be construed to authorize the impairment of any vested right, except that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a substantially similar or more limited use continues, and such usage is not discontinued for more than two years; and no nonconforming building or structure may be moved on the same lot or to any other lot which is not correctly zoned to permit such nonconforming use.
- (b) A building or structure that is non-conforming or is devoted to a non-conforming use and is damaged or destroyed by an accidental fire, natural disaster, or other act of God should be repaired, rebuilt, or replaced such that the non-conforming features are eliminated or reduced to the extent possible. However, suppose such a building is damaged to the extent more significant than 50 percent of its fair market value and cannot be repaired, rebuilt, or replaced except to restore it to its original nonconforming condition. In that case, the owner shall have the right to do so within two years of the damage if the work complies with all applicable building code regulations and the floodplain provisions in this article as described in [Virginia Code §15.2-2307 \(E\)](#).
- (c) If the nonconforming building is in an area under a federal disaster declaration and the building has been damaged or destroyed as a direct result of conditions that gave rise to the declaration, then the property owner is provided with an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph.
- (d) For purposes of this section, "act of God" shall include any natural disaster or phenomenon, including a tornado, storm, flood, high water, wind-driven water, earthquake, or fire caused by lightning or wildfire. Nothing herein shall be construed to enable the property owner to commit arson and obtain vested rights under this section.
- (e) For this section, more limited use will not include a residential building or structure in a manufacturing zone.
- (f) A non-conforming structure may be enlarged, extended, reconstructed, or structurally altered as long as the degree of the non-conformity is not increased.
- (g) A nonconforming use may be extended throughout any part of a structure that was arranged or designed for such use at the time of passage or amendment of this article.

Sec. 1-6. - Private restrictions

This article is not intended to override any easement, covenant, or any other private agreements provided that where the regulations of this article are more restrictive or impose higher standards or requirements than such easements, covenants, or other private contracts, the provisions of this article shall govern.

Sec. 1-7. - Severability

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

Sec. 1-8. - Lots of records

- (a) Where a lot at the time of the adoption of the ordinance or at the time of subsequent amendment to this article does not meet the minimum lot size for the district in which it is situated, such a lot may be used as a building site for a single-family residence in a district where residences are permitted, provided the yard space and other requirements are met
- (b) If two or more adjoining and vacant lots of record are in single ownership at any time after the adoption of the ordinance or its subsequent amendment and such lots individually have less frontage or area than the minimum requirements of the district in which such lots are located, such lots shall be considered as a single lot.

Sec. 1-9. - Only one principal building on any lot

In all residential districts, only one principal building and its customary accessory building may be erected on any lot.

Sec. 1-10. - Reduction of lot area prohibited

No lot shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of this article are not maintained. This section shall not apply when a portion of the lot is acquired for public use.

Sec. 1-11. - Obstructions to vision at street intersections prohibited.

At all street intersections, including ingress and egresses to private parking lots, a sight distance of twenty-five (25) feet in both directions shall be maintained, except within the commercial downtown district, shall be maintained. Although the commercial downtown district requires no front setback distance, sight distance shall be provided to the greatest extent possible.

Sec. 1-12. - Town Limit Boundary Adjustments.

In case of boundary adjustments to the town, or in case property comes into the territorial jurisdiction of the town other than by annexation, the regulations applying to existing town zoning shall be construed to apply to all such annexed or new territory. The newly incorporated areas will be zoned as close to a comparable Town of Marion Zoning designation.

Sec. 1-13. - Street Frontage

No residential building shall be erected on a lot that does not adjoin a public street for a minimum of 50 feet unless it meets one of the following exceptions:

- a) Such lot is legally recorded before the adoption of the town subdivision ordinance and has an easement or right-of-way legally deeded, platted, and recorded to a public street or road. A street connection for such easements or private rights-of-way shall be subject to the entrance requirements of the town. Nothing contained in this section shall be construed to permit the subdivision or re-subdivision of lots or tracts abutting such private easements or rights-of-way in such manner as to violate any provision of the town's subdivision ordinance.
- b) Lots that front on a cul-de-sac shall not be required to meet the minimum frontage requirement, provided that the frontage is sufficient to permit the construction of a Virginia Department of Transportation standard residential entrance, or if specified elsewhere in this ordinance, including required radii; the front building restriction line is moved toward the rear of the lot a sufficient distance to provide the complete lot width requirement for the zoning district; the rear and side yard requirements are maintained; and the lot meets the minimum area requirement for the zoning district. In addition, any lot shall have been subdivided and recorded before the adoption of the town's subdivision ordinance, or the lot shall have been subdivided in accordance with the applicable town subdivision ordinance.
- c) Residential developments that consist of three (3) or more structures that share a common ingress and egress to a public street right-of-way. A perpetual maintenance plan must be in place, and the Town of Marion's responsibility ends at the property line.
- d) Lots may front on private streets within multifamily apartment complexes and other developments as outlined in the town's subdivision ordinance and the design criteria for subdivision streets outlined in the VDOT Road Design Manual - [Subdivision Street Design Guide](#), except that no right-of-way shall be required. A perpetual maintenance plan shall be established with provisions satisfactory to the Town Council to assure that such private streets shall be maintained satisfactorily without expense to the town of Marion.
- e) Private connections to the public rights of ways are permitted as long as the following conditions are met:
 1. If the entrance or driveway connection crosses a ditch line, stream, creek, or drainage area, the zoning administrator must approve the proper sized pipe. No draining water will be allowed to back up.
 2. The only permitted connection materials shall be asphalt or formed concrete.

3. If using a contractor to install the entrance or driveway, they must be licensed and insured and have a current Town of Marion business license.
4. Before digging, dial 811 to ensure all utilities within the scope of work have been located. The contractor or person installing the entrance will be responsible for any interruptions to utility services.
5. The entrance, if formed concrete, must be installed per [VDOT standard entrance gutter guidelines](#).
6. At no time shall any entrance or driveway connection be allowed to block the natural flow of water or cause an increased amount of water on neighboring properties.
7. Gravel connections to a public right of way are prohibited due to loose gravel washing into the street, creating unsafe conditions.

Sec. 1-14. - Amendment

- (a) The planning commission may, and at the direction of the governing body, consider amendments to this article by the process prescribed in Code of Virginia § [15.2-2285](#), including a change to the zoning map commonly called a “rezoning.” The commission shall hold at least one public hearing on any amendment after notice as required by § [15.2-2204](#) and may make appropriate changes in the proposed amendment as a result of the hearing. Upon completion, the commission shall present the proposed amendment to the town council with its recommendations and appropriate explanatory materials.
- (b) No amendment shall be approved unless the town council has referred the proposed amendment to the planning commission for its recommendation. Failure of the commission to report 100 days after the first meeting of the commission after the proposed amendment has been referred to the commission, or such shorter period as may be prescribed by the town council, shall be deemed approved unless the applicant has withdrawn the proposed amendment before the expiration of the time period. In the event of and upon such withdrawal, processing of the proposed amendment shall cease without further action.
- (c) Before approving and adopting any amendment, the governing body shall hold at least one public hearing thereon, pursuant to public notice as required by § [15.2-2204](#), including holding a joint public hearing with the planning commission. After such a public hearing, the governing body may make appropriate changes or corrections to the proposed amendment. In the case of a proposed amendment to the zoning map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density range, if any, outlined in the applicable part of the comprehensive plan. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after the notice required by § [15.2-2204](#). Zoning ordinance amendments shall be enacted in the same manner as all other ordinances.
- (d) An amendment of this article may be initiated by any one of the following three means:

1. The zoning amendment application of one or more persons interested in the proposed amendment, which application shall be filed with the zoning administrator and shall be accompanied by a fee as provided in the appendix of this ordinance.
 2. The resolution of the intention of the town council.
 3. The resolution of the intention of the planning commission.
- (e) A petition for an amendment will not be considered for six months if the town council has previously denied the request.

DIVISION 2. - ESTABLISHMENT OF RESIDENTIAL DISTRICTS

Sec. 2-1. - Districts and Purposes

This article aims to promote the health, safety, convenience, order, prosperity, and general welfare of the citizens of the Town of Marion. For this article, the town is divided into the districts designated below, shown on the zoning map. The districts have been established after consideration of the character of each district, its suitability for particular uses, and its relation to the future land use plan for the town. This article intends to conserve the value of buildings, encourage the most appropriate use of land throughout the town, reduce congestion in the streets, provide adequate light and air, prevent the overcrowding of land, and facilitate sufficient provisions of transportation, water, sewer, schools, and parks, to the end that this town may become a better town in which to live.

(a) Residential, Single-Family (R-1). The purpose of this district is to provide low-density, single-family residential uses in protected surroundings. This district is intended to be located away from the center of the town, where the environment is conducive to this type of use and more suburban in nature. Development in this district is encouraged to preserve natural features, allow flexibility in subdivision development planning, and provide distinctive developments in conformity with existing residential patterns. [See Sec. 4-1 chart](#) for this district's minimum allowable square footage.

(b) Residential, Single-Family, Two-Family (R-2). The purpose of this district is to provide areas for the development of moderately higher-density residential uses and structures in moderately spacious surroundings. This district is a protected environment suitable for moderately higher-density residential uses that can be provided in established moderately higher-density residential areas to ensure their continuance. In some cases, this district allows for “zero” lot lines, which, for this district, means units will have a shared or common wall. This district allows single-family dwellings, modular homes in accordance with section [4-3 \(b\)](#), and duplexes. [See Sec. 4-1 chart](#) for this district's minimum allowable square footage.

(c) Residential, Multi-Family (R-3). The purpose of this district is to provide for the development of moderate-to high-density residential uses and structures in areas with adequate

community facilities, public utilities, and other public services. In some cases, this district allows for “zero” lot lines, which, for this district, means units will have a shared or common wall. This district is appropriate for apartment buildings, condominiums, and townhouses connected horizontally with smaller lot requirements, and typically 3, 4, or 5 units in a row having their own entrance from the street. [See Sec. 4-1 chart](#) for this district's minimum allowable square footage.

(d) Residential, Mobile Homes, Multi-Family (R-4). The purpose of this district is to provide for the development of moderate-to-high-density residential uses and structures in areas with adequate community facilities, public utilities, and other public services. In addition, this district is appropriate for mobile homes and home parks. [See Sec. 4-1 chart](#) for this district's minimum allowable square footage.

DIVISION 3. - RESIDENTIAL LAND USES

Sec. 3-1. - Residential Districts

The following chart lists types of residential land uses, those permitted by right, and those permitted with a special use permit by the process prescribed in [Division 10](#). Unless otherwise allowed by this article, any uses not listed are prohibited. Accessory uses not listed and as defined in Division 5 are permitted in every district subject to the standards in Section [Division 5](#). In addition, the Manufactured Home Park is contained in [Section 4-3 \(c\)](#).

(a) Residential, Single-Family (R-1) Low Density

Permitted by Right	Permitted with Special Use Permit
RESIDENTIAL	RESIDENTIAL
Accessory uses, as regulated in Division 5 (zoning permit required) Home Office as regulated in section 5-4 Long-term residential rentals Modular Home as regulated in section 4-3 (b) Short-term residential rentals Single Family Dwelling	Catering Home Occupation as regulated in Section 5-3 Mixed Use as regulated in Section 5-9
COMMUNITY OR CIVIC USES	COMMUNITY OR CIVIC USES
Churches (May have a Columbarium as an accessory structure with a special use permit.)	Day Care/Child Care Facilities Educational Institution and Dormitories Emergency Services Gymnasiums and/or recreational areas Golf Course Public Utility Distribution, Substation, and Storage Yards Places for public and/or private gatherings and/or social activities Swim and Tennis Clubs Public or Private

(b) Residential, Single-Family (R-2) Moderate Density

Permitted by Right	Permitted with Special Use Permit
RESIDENTIAL	RESIDENTIAL
Accessory uses, as regulated in Division 5 (zoning permit required) Home Office as regulated in section 5-4	Catering Home Occupation as regulated Section 5-3 Mixed Use as regulated in Section 5-9

Duplex Long-term residential rentals Modular Home as regulated in 4-3 (b) Short-term residential rentals Single-Family Dwelling	
COMMUNITY OR CIVIC USES	COMMUNITY OR CIVIC USES
Churches (May have a Columbarium as an accessory structure with a special use permit.)	Day Care / Child Care Facilities Educational Institutions and Dormitories Emergency Services Gymnasiums and/or recreational areas Golf Course Public Utility Distribution, Substation, and Storage Yards Places for public and/or private gatherings and/or social activities Swim and Tennis Clubs, public or private

(c) Residential, Multi-Family (R-3) Moderate-High Density

Permitted by Right	Permitted with Special Use Permit
RESIDENTIAL	RESIDENTIAL
Accessory uses, as regulated in Division 5 (zoning permit required) Apartments Condominiums Duplex Home Office as regulated in section 5-4 Long-term residential rentals Modular Home as regulated in 4-3 (b) Short-term residential rentals Single-Family Dwelling Townhouse	Catering Home Occupation as regulated Section 5-3 Mixed Use as regulated in Section 5-9 Recovery Residence as regulated in Section 5-6
COMMUNITY OR CIVIC USES	COMMUNITY OR CIVIC USES
Churches (May have a Columbarium as an accessory structure with a special use permit.)	Day Care/Child Care Facilities Educational Institution and Dormitories Emergency Services Golf Course Gymnasiums and/or recreational areas Places for public and/or private gatherings and/or social activities Public Utility Distribution, Substation, and Storage Yards Swim and Tennis Clubs Public or Private

(d) Residential, Mobile Home, Multi-Family (R-4) High Density

Permitted by Right	Permitted with Special Use Permit
RESIDENTIAL	RESIDENTIAL
Accessory uses, as regulated in Division 5 (zoning permit required) Apartments Condominiums	Catering Home Occupation as regulated Section 5-3 Mixed Use as regulated in Section 5-9 Recovery Residence as regulated in Section 5-6

Duplex Home Office as regulated in section 5-4 Long-term residential rentals Mobile Home as regulated in 4-3 (c) Modular Home as regulated in 4-3 (b) Short-term residential rentals Single-Family Dwelling Townhouse	
COMMUNITY OR CIVIC USES	COMMUNITY OR CIVIC USES
Churches (May have a Columbarium as an accessory structure with a special use permit.)	Day Care/Child Care Facilities Educational Institution and Dormitories Emergency Services Golf Course Gymnasiums and/or recreational areas Public Utility Distribution, Substation, and Storage Yards Places for public and/or private gatherings and/or social activities Swim and Tennis Clubs Public or Private

DIVISION 4. - DENSITY AND YARD REQUIREMENTS

Sec. 4-1. - Residential Districts

The following chart lists the yard requirements for residential districts. These requirements pertain to principal structures. Accessory structures are addressed in [Division 5](#).

Residential Districts	Minimum Lot Size/Density	Minimum Setback Distance (in feet) for Principal Structure			Lot Frontage	Lot Coverage	Height Restriction	Minimum Off-Street Parking Requirements	Minimum allowable square footage of a structure (footprint)
		Front Yard	Rear Yard	Side Yard					
Residential, Single-Family R-1 Low Density	10,000 s.f. (0.23 ac.)	25'	25'	10'	100'	30%	Shall not exceed 2 stories or 35' unless each side and rear yard is increased by 1 foot for each foot above 35'. No structure can exceed 45' maximum height.	Minimum of 2 spaces	1,500 s.f.
Residential, Single, and Two Family (Duplex) R-2 Moderate Low Density	Single-Family Home 5,000 s.f. (0.11 ac.) Two-Family Home 3,750 s.f. per unit	25'	25'	5'	Single-Family Home 50' Two-Family Home 37.5' per unit	30%	Same as R-1	Minimum of 2 spaces Minimum of 2 spaces per unit	Single Family Home 1,000 s.f. Two-Family Home 1375 sq. ft. Max per unit
Residential, Multi-Family R-3 Moderate-High Density	Single-Family Home 5,000 s.f. (0.11 ac.) Multi-Family Townhouse 3,666 s.f. outside units 2,666 s.f.	25'	25'	5' 10' if the end unit	50' Townhouse 26.66', 36.66' for end unit to	30% 45%	Single-Family Homes, Duplex Townhouse Same as R-1 Apartments Buildings and Condominiums 45' or 4 stories up to a maximum of	Single-Family Homes-Minimum of 2 spaces Duplex, Townhouses, apartment buildings, and	900 s.f. Townhouse Max. of 1,333 sq. ft. per floor

	interior units.			adjoins an R-1 or R-2 district	meet side yard setbacks		55' provided side yard increases 1' for every foot above 45' in this district	condominiums - Minimum of 2 spaces per unit	
	Apartment Complex 10,000 s.f.	25'	25'	10'	100'	40%			
Residential, Mobile Home, Multi-Family R-4 High Density	Mobile Homes 7,260 s.f.	25'	25'	15'	75'	At most, 6 units per acre.	N/A Mobile Homes	Single-Family Homes, mobile homes Minimum of 2 spaces	850 s.f.
	Multi-Family Townhouse 2,500 s.f.	20'	20'	5' 10' if the end unit adjoins an R-1 or R-2 district	Townhouse 25', 35' for end unit to meet side yard setbacks	45%	Single-Family Homes, Duplex, and Townhouse Same as R-1	Duplex, Townhouses, apartment buildings, and condominiums - Minimum of 2 spaces per unit	
	Apartment Complex 10,000 s.f.	25'	25'	10'	100'	40%	Apartments Buildings and Condominiums 45' or 4 stories up to a maximum of 55' provided side yard increases 1' for every foot above 45' in this district		

Sec. 4-2. - Exceptions to Yard Requirements

(a) Front Yard Setback.

The setback requirements of this article for principal buildings shall not apply to any lot where the average setback on developed lots located within 300 feet on each side of such lot for residential zones, and within 100 feet in non-residential zones, and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots.

(b) Side yard on corner lots.

1. In residential districts, the minimum width of the side yard that adjoins the street shall be 15 feet. Accessory buildings shall also comply with this setback.
2. In non-residential districts, the required front setback distance shall be maintained on any street frontage on a corner lot unless the front setback exception allowed in (a) applies.

(c) Exceptions on height limits.

The height limitations of this article shall not apply to church spires, belfries, cupolas, and domes not for human occupancy, monuments, water towers, observation towers, transmission towers, flagpoles, radio and television towers, masts, or aerials, except as provided in [Division 18 Wireless Communications Facilities](#).

Sec. 4-3. - Residential Descriptive Sections

(a) Single-Family Home.

For the purpose of this ordinance, a single-family home is a detached residential dwelling designed to be used as a single-dwelling unit that does not share any walls with one owner and sits on its own property. Single-family homes are allowed in R-1, R-2, R-3, and R-4.

(b) Modular Home.

For the purpose of this ordinance, a modular home means a detached single-family home, and permanent additions thereof, comprised of one or more sections that are intended to become real property, primarily constructed at a location other than the permanent site, and shall comply with the requirements of the Virginia Uniform Statewide Building Code, including skirting requirements. See Code of Virginia, [§ 36-97](#) et seq. Shipped with most permanent components in place to the final assembly site. The modular home shall be permanently fixed on a solid foundation. Modular homes are allowed in R-1, R-2, R-3, and R-4.

(c) Manufactured home (Mobile Home).

For the purpose of this ordinance, a mobile home means a structure that is transportable in one or more sections, which are built on a permanent chassis and are designed for use with or without a permanent foundation when connected to required utilities. A manufactured home (formerly a mobile home) is built according to the Manufactured Home Construction and Safety Standards (HUD Code). It displays a red certification label on the exterior of each transportable section.

Manufactured homes and home parks are only allowed in the R-4 district in the Town of Marion and must be on a permanent foundation with removed axles, wheels, and towing equipment.

For mobile homes built before June 15, 1976, a label certifying compliance with the Standard for Mobile Homes, NFPA 501, ANSI 119.1, in effect at the time of manufacture, is required. For the purpose of these provisions, a mobile home shall be considered to be a manufactured home.

1. No mobile home shall be used for any purpose other than a single-family dwelling. A mobile home utilized as a temporary office trailer located on a job site may be allowed during the development process; however, it must be properly secured.
2. Manufactured Home (Mobile Home) Pad
The objective of the pad requirement is to provide for practical placement on and removal from a lot of the manufactured homes (mobile homes) and retention of the home on the lot in a stable condition and good relationship to its Surroundings.
2. The pads should be individually designed to fit the dimensions of the manufactured home (mobile home) that will be accommodated. The pad should be located on the manufactured home (mobile home) lot to maintain the proper clearances between manufactured homes (mobile homes) and other structures.
3. There shall be a longitudinal gradient of 0% - 5% and an adequate crown gradient for surface drainage.

4. Appropriate material, such as concrete or crushed and compacted rock, shall be used for the pad. This material shall be adequately placed, graded, and compacted to be durable and adequate for the support of the maximum anticipated loads during all seasons.
5. Underpinning that complies with the current edition of the Virginia Construction Code.
6. The minimum distance between mobile homes is twenty-five (25) feet.
7. Site Plan Review required. The site plan review intends to provide a review of the following:
 - a. The project's compatibility with its environment and with another land uses and buildings in the surrounding area;
 - b. The ability of the project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;
 - c. The quantity, quality, use, size, and the project's open space, and the plans for maintenance and upkeep of said open space;
 - d. The quantity, quality, use, size, and the project's recreational elements,
 - e. The impacts upon the existing natural environment;
 - f. The proposed landscaping improvements; and
 - g. The project's compliance with this ordinance and other applicable ordinance of the town and state.
 - h. Curb & Gutter Plan
 - i. Trash Enclosures Plan
 - j. Lighting Plan

What is the difference between manufactured and modular homes?

Manufactured homes are constructed according to a code administered by the U.S. Department of Housing and Urban Development (HUD Code). Unlike conventional building codes, the HUD Code requires manufactured homes to be constructed on a permanent chassis.

Modular homes are constructed to the same state, local, or regional building codes as site-built homes.

(d) Duplex (Two Family Home).

For the purpose of this ordinance, a duplex shall mean two single-family dwelling units in one structure under a single roof separated by a common wall. Duplexes can be rented or owned. Duplexes are allowed in R-2, R-3, and R-4 districts in the Town of Marion.

1. All duplexes must be constructed to meet all current Uniform Statewide Building Codes.

2. Will have a zero side yard setback at the common interior walls.
3. The common interior wall must extend from the base of the foundation through the roof line.
4. If planning to sell individual units, the property must be subdivided to meet current zoning lot area, setbacks, and frontages, they must be situated on their individual parcels so they can be titled separately.
5. Must have individual utility connections.
6. Must have individual entrances.
7. Must have individual driveways that meet off-street parking requirements.
8. May be exempt from road frontage requirements as long as the following requirements are met:
 - a) If the development consists of three (3) or more duplex structures.
 - b) If each dwelling unit meets the minimum lot area requirement and setbacks.
 - c) If there is a common, shared access road that adjoins a public street.
 - d) Shall have a perpetual plan such as an HOA, duplex association, or maintenance agreement with the owners or tenants that a monthly fee would be paid for the upkeep and maintenance of the common shared access road.
 - e) The Town of Marion's responsibility ends at the property line.

(e) Multi-Family.

For the purpose of this ordinance, multi-family shall mean three or more single-family dwelling units in one structure, attached horizontally separated by common walls, each having its own entrance.

1. Townhouse.

- (a) For the purpose of this ordinance, a townhouse shall mean single-family dwelling units connected horizontally.
- (b) All townhouses must be constructed to meet all current Uniform Statewide Building codes.
- (c) All common walls must extend from the base of the foundation through the roof line.
- (d) There shall be a minimum of three individual units connected in a single row, but not more than five units connected in a row. More than five units may be approved if deemed appropriate by the Marion Town Council; however, The Marion Town Council may refer it to the Marion Planning Commission for further discussion before final approval.

- (e) Each townhouse shall have its own entrances.
- (f) Architectural treatment of townhouses. The facades of each unit of a Townhouse structure shall be varied by changing the front yard depth and utilizing variations in materials or design so that no more than three abutting townhouse units have the same front yard depth or the same or essentially the same architectural treatment of facades and rooflines.
- (g) Each townhouse structure must meet the minimum lot setbacks as they are described in [§4-1](#).
- (h) The side yard setback of 5' may be increased to 10' if the end units adjoin a residential R-1 or R-2 district. However, interior units shall have zero side yard setbacks.
- (i) Townhouses can be rented or owned and allowed in R-3 and R-4 districts in the Town of Marion. If planning to sell individual units, the property must be subdivided to meet current zoning areas, setbacks, and frontages, they must be situated on their individual parcels so they can be titled separately.
- (j) Each townhouse must have its own utility connections.
- (k) Each townhouse must meet the minimum off-street parking requirements.
- (g) In any townhouse project consisting of open space and amenities related to the project in such a manner that the Condominium Act, Code of Virginia, [§§ 55.1-1900](#) through [55.1-1907](#), is not applicable; the developer shall meet the following requirements:
 1. Establish a nonprofit entity according to the provisions of the Virginia Nonstock Corporation Act, Code of Virginia, [§§ 13.1-801](#) through [13.1-945](#), as amended, whose membership shall be all the individuals or corporations owning residential property within the townhouse project and whose purpose shall be to hold title in fee simple too, and be responsible for the maintenance and upkeep of such open space; and
 2. Hold title to and be responsible for such open space until such time as a conveyance to such a nonprofit entity occurs. Such conveyance shall occur when at least 75% of the townhouse units have been sold; and
 3. Provide proper agreements and covenants running with the land and in favor of the citizens of Marion, requiring membership in such a nonprofit entity. Such agreements and covenants shall include, among other things, any assessments, charges and cost of maintenance of the open space shall constitute a pro rata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and second

mortgages or deeds of trust on the townhouse lot. Covenants shall also prohibit the denuding, disturbing, or defacing of said open space without prior approval of the Town Council after recommendation of the Planning Commission.

(h) Site plan required for approval.

2. *Condominium complex.*

(a) For the purpose of this ordinance, a condominium shall mean single-family dwelling units that are owned and arranged in a complex.

(b) Ownership of a condominium means the owner owns the air space inside their condo, sharing an ownership interest in the community property, including the floor, walls, sidewalks, stairwells, and exterior areas.

(c) In any condominium project consisting of open space and amenities related to the project in such a manner that the Condominium Act, Code of Virginia, [§§ 55.1-1900](#) through [55.1-1907](#), is not applicable; the developer shall meet the following requirements:

1. Establish a nonprofit entity according to the provisions of the Virginia Nonstock Corporation Act, Code of Virginia, [§§ 13.1-801](#) through [13.1-945](#), as amended, whose membership shall be all the individuals or corporations owning residential property within the townhouse project and whose purpose shall be to hold title in fee simple too, and be responsible for the maintenance and upkeep of such open space; and

2. Hold title to and be responsible for such open space until such time as a conveyance to such a nonprofit entity occurs. Such conveyance shall occur when at least 75% of the townhouse units have been sold; and

3. Provide proper agreements and covenants running with the land and in favor of the citizens of Marion, requiring membership in such a nonprofit entity. Such agreements and covenants shall include, among other things, any assessments, charges and cost of maintenance of the open space shall constitute a pro rata lien upon the individual townhouse lots, inferior in lien and dignity only to taxes and bona fide duly recorded first and second mortgages or deeds of trust on the townhouse lot. Covenants shall also prohibit the denuding, disturbing, or defacing of said open space without prior approval of the Town Council after recommendation of the Planning Commission.

(d) Condominiums are allowed in R-3 and R-4 districts in the Town of Marion.

(e) Shall have a perpetual HOA or condominium association that a monthly fee would be paid for upkeep and maintenance of all common areas.

(f) Each Condominium structure must meet the minimum lot setbacks as they are described in [§ 4-1](#).

3. Apartment Complex.

(a) For the purpose of this ordinance, an apartment complex shall mean one or more buildings that are self-contained dwelling units that, for a fee are rentable.

1. Spacing between buildings. Groups of multifamily dwellings located on the same property shall be considered as one building to determine front, side, and rear yard requirements. The group, as a unit shall require one front yard, two side yards, and one rear yard as specified in the appropriate district. However, structures shall be located according to the following standards to maximize efficient use of land and still provide adequate open space between them:

2. A minimum distance must be maintained for multifamily buildings of 20 feet.

3. Pedestrian access. Pedestrian access shall be provided with sidewalks to all common area elements, including mail kiosks, parking lots, refuse collection areas, recreational amenities, and along public roadways.

4. Roads and private pavement. All roads and private pavement shall have a concrete curb and gutter.

5. Screening of mechanical equipment and refuse collection. Whether ground level or rooftop, any refuse collection or mechanical equipment visible from the adjacent property or roads shall either be integrated into the architectural treatment of the building or screened from view.

6. Site plan required: The intent of the site plan review is to provide a review of the following:

a. The project's compatibility with its environment and with other land uses and buildings in the surrounding area;

b. The ability of the project's traffic circulation system to provide for convenient and safe internal and external movement of vehicles and pedestrians;

- c. The quantity, quality, use, size, and type of the project's open space, and the plans for maintenance and upkeep of said open space;
- d. The quantity, quality, use, size, and type of the project's recreational elements,
- e. The impacts upon the existing natural environment;
- f. The proposed landscaping improvements; and
- g. The project's compliance with this ordinance and other applicable ordinance of the town and state.
- h. Curb & Gutter Plan
- i. Trash Enclosures Plan
- j. Lighting Plan

DIVISION 5. - ACCESSORY STRUCTURES AND USES

Sec. 5-1. - Accessory Structures and Uses. (Zoning Permit Required)

1. *Definition:* For the purpose of this ordinance, an accessory structure shall mean any structure detached from and for ancillary use to the primary structure, such as a dwelling place or business.

(a) This article intends to permit accessory structures and uses, provided that they:

- 1. Are customarily accessory and clearly incidental and subordinate to permitted principal structures and uses;
- 2. Do not involve trade on the premises in residential districts.
- 3. Accessory structures shall not exceed 25% of the floor area of a single floor of the primary structure. In addition, they must maintain all setback regulations for the zoning district where they are located.
- 4. Accessory buildings are to be located in the rear yard only and are not permitted beyond the plane of the back wall of the primary structure, except for the following:
 - (a) A single-family home may have a detached carport or garage in the side yard as long as it meets the minimum side yard setback for the zoning district where it is located and does not extend past the front wall of the primary structure.
- 5. Accessory structure will not be allowed on any property that does not have a primary

structure located on the same parcels consecutively owned by the same owner. For the purpose of this section, a primary structure shall mean a structure used as a dwelling place or business.

6. Do not involve activities not in keeping with the area's character.
7. Portable storage containers and trailers will not be permitted as accessory structures.
8. A zoning permit must be obtained from the Town of Marion Zoning Administrator before placing any accessory structure. There will be no fee for this permit.
9. The accessory structure must be placed at least ten feet from the side yard property line and five feet from the rear property line.
10. A temporary permit must be obtained if a storage container or trailer is used for temporary storage only. This permit will only be issued under special conditions such as, but not limited to, the following:
 - a. Constructing or remodeling a residential unit
 - b. In such cases of fire or natural disaster
 - c. Relocating / Moving the residence
11. In residential districts, accessory structures cannot exceed the primary structure of twenty-five (25) feet in height, whichever is less.
12. If you cannot place the accessory structure behind the rear plane of the primary structure because of topography or another reason the zoning administrator will deny your request. However, you can appeal the zoning administrator's denial in writing and ask for a variance from the Board of Zoning Appeals by the process described in [§11-5](#).
13. No more than two accessory buildings will be allowed on any lots with a primary structure.

Sec. 5-2. - Accessory Structure Dwelling

1. Definition: For the purpose of this ordinance, an Accessory Dwelling shall mean an accessory structure, as defined in [§5-1](#), constructed to meet the Virginia Uniform Statewide Building Code, is an unattached, self-contained dwelling unit subordinate to the primary structure.

- (a) An accessory dwelling must be constructed to meet the Virginia Uniform Statewide Building Code.
- (b) Only one accessory dwelling is permitted per primary structure.
- (c) Must meet all requirements in this section and [§5-1](#).

(d) Accessory dwellings may not be sold unless the following requirements are met:

1. Meets all of the Town of Marion subdivision regulations

2. The newly subdivided parcels meet the current Zoning density and setback regulations for the district in which they are located.

(e) Accessory dwellings must have their own connections to public water and sewer.

(f) A manufactured home or recreational vehicle, travel trailer, camper, or similar structure shall not be used as an accessory dwelling unit.

(g) Two additional off-street parking spaces shall be required in addition to the parking requirements for the primary structure.

Sec. 5-3. - Home Occupations (Special Use Permit Required)

(a) ***Purpose:*** This article intends to allow an occupation for gain or support in the dwelling unit, provided that the use does not adversely affect the immediate neighborhood by excessive traffic generation, parking, noise, cluttered appearance, or other incompatible characteristics. Therefore, home occupations shall be allowed in all residential zoning districts unless prohibited by deed or homeowner association restrictions.

(b) ***General standards:***

1. No person who is not a dwelling resident may be engaged or employed in the home occupation.

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.

3. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation. No storefront will be allowed, and the only signage shall be one (1) window decal or wall sign not to exceed one (1) square foot.

4. No home occupation nor any phase thereof, including processing or other activity associated with such business, shall be conducted in any accessory building. There shall be no outside storage of goods, products, equipment, or other materials associated with the home occupation.

5. There shall be no goods or products sold or offered to purchasers on-site other than goods or products that are accessories to a service delivered on-premises to a customer or client of the business. Sales of products other than the above of other items must be limited to off-site or online

6. All parking in connection with the home occupation (vehicles marked with advertising or signage for the home occupation is prohibited) must be accommodated off the street,

driveway, or garage areas on the premises. No parking in connection with the home occupation shall be allowed in the front yard.

7. No equipment or process shall be used in a home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, including transmittal through vertical or horizontal party walls. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers or causes fluctuations in line voltage off the premises, including through vertical or horizontal party walls.

8. Customer or client visits to the home occupation may only occur between 9:00 a.m. and 5:00 p.m.

9. Very light shipping and receiving allowed.

(c) **Process.** Obtaining a home occupation begins with the zoning administrator and filling out a special use permit. The applicant must provide the zoning administrator with details of the home occupation, such as but not limited to the following:

1. Type of business
2. Address of the home occupation
3. The expected impact on the residential neighborhood.

The zoning administrator will then perform research and staff notes and present findings to the planning commission for advisory input at their regularly scheduled meeting. The zoning administrator will set a public hearing date; the applicant is responsible for all fees involved in advertising. As required by the Virginia Code [§ 15.2-2204](#), the adjacent property owners will be notified by certified mail that a public hearing is set to determine if a home occupation should be granted at the residential address where the applicant resides.

On the evening of the public hearing, the applicant must be present to answer any questions the Marion Town Council and the public may have.

Your request will either be granted, granted with restrictions, or denied. If granted, you must obtain a Town of Marion business license in the office of the Town Clerk.

Failure to comply with the general standards may result in revocation of the permit and the applicant's business license, effective immediately.

Examples of a home occupation would include but are not limited to the following:

1. eBay
2. Internet Sales (Limited on-site shipping allowed)
3. Etsy
4. Stock trading
5. Small Crafts

Sec. 5-4. - Home Office

1. **Definition:** For the purpose of this ordinance, a home office will mean an area inside your residence designated for work-related activities for office use only.

A home office will be permitted by right in all areas designated for residential use as long as the following conditions are met:

- (a) At no time will there be any evidence of any business being conducted at the residence.
- (b) No employees other than those living at the residence.
- (c) No added impacts to traffic or parking.
- (d) No shipping or receiving from the location.
- (e) No additional noise will result from having the home office.
- (f) No customers or office visits allowed at the home office.
- (g) No signage or storefronts.

Examples of a home office would include, but are not limited to, the following:

1. Remote Clerical Work.
2. Research work.
3. Transcribing work.
4. Telemarketing work.
5. I.T. helpdesk

A home office would be considered an office where all your work could be done by a computer and/or a telephone.

Sec. 5-5. - Fences and Walls.

Fences and walls shall be permitted in all districts, provided they comply with the following restrictions:

- (a) Fences and walls may be used for buffering, privacy, separation, security, or aesthetics. Still, they may not create an unsightly or unsafe condition on or off the public or private property on which the fence or wall is proposed.
- (b) No fence or wall between a street and the front of a house in a residential district shall be more than three and one half (3-1/2 feet) in height, except on any corner lot in a residential district, there shall be no building or solid fence, planting, or obstruction to vision more than three (3) feet higher than curb level, a distance of twenty-five (25) feet both directions of the intersection. Chain link fencing on a corner lot, up to three and one half (3-1/2 feet), will be permitted if the vegetation does not grow through the fence line to prevent clear sight of twenty-five (25) feet. Shrubbery or other plantings within this area shall be trimmed to keep this requirement.
- (c) In all districts, fences or walls shall be a minimum of 42 inches in height.
- (d) A fence or wall in any residential zoning district shall be at most eight feet above the existing grade with the approval of a special use permit, except for utilizing the fence as screening as defined in Marion Town Code [§ 38-2](#) definitions of screen and screening.
- (e) In all districts, fences or walls shall not be erected across any public way or easement to deny access or obstruct the normal flow of water in the case of drainage easements.

- (f) Any wall which will not permit air and vision to penetrate 80 percent of its surface area measured along its length and from grade level to the highest point on the fence shall be prohibited on a corner lot where it would obstruct vision or sight distance.
- (g) No provision of this section shall be construed to prohibit any retaining wall, supportive structure, or security fencing where such fence or structure is deemed necessary by the building code official or governmental authority having jurisdiction.
- (h) Barbed or razor wire and electrified fences are prohibited in all residential districts unless the Marion Town Council approved it as necessary and safe.
- (i) Fences and walls shall be constructed of any combination of treated wood posts and vertically or horizontally oriented planks, vinyl, rot-resistant wood, wrought iron, decorative metal materials, brick, stone, masonry materials, or products designed for fence construction.
- (j) Finished side to the outside. Wherever a fence or wall is installed, if one side of the fence or the wall appears more "finished" than the other (e.g., one side has visible support framing and the other does not), then the more "finished" side of the fence shall face the perimeter of the lot rather than the interior of the lot.
- (k) See Marion Town Code [§ 38-1](#) Fences and Walls.

Sec. 5-6. - Recovery residences. (Special Use Permit Required) Va. Code [§ 37.2-431.1](#)

A. As used in this section:

"Credentialing entity" means a nonprofit organization that develops and administers professional certification programs according to National Alliance for Recovery Residences standards or standards endorsed by Oxford House, Inc.

"Level of support" means the level of support and structure that a recovery residence provides residents, as specified in the National Alliance for Recovery Residences standards.

"Recovery residence" means a housing facility certified by the Department per the Board's regulations and provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and those with co-occurring mental illnesses and substance abuse disorders that do not include clinical treatment services.

"Department" means the Department of Behavioral Health and Developmental Services.

B. Every recovery residence shall disclose to each prospective resident its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the recovery residence shall disclose the level of support the recovery residence provides. If the credentialing entity is Oxford House, Inc., the recovery residence shall disclose that the recovery residence is self-governed and unstaffed.

C. No person shall operate a recovery residence or advertise, represent, or otherwise imply to the public that a recovery residence or other housing facility is certified by the Department unless such recovery residence or other housing facility has been certified by the Department by regulations adopted by the Board. Such regulations (i) may require accreditation by or membership in a credentialing agency as a condition of certification and (ii) shall require the recovery residence, as a condition of certification, to comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity or the square footage requirements outlined in Virginia Code § [36-105.4](#), whichever is greater.

D. The Department shall maintain a list of recovery residences on its website and shall provide (i) for each recovery residence included on such list, the credentialing entity; (ii) for recovery residences for which the National Alliance of Recovery Residences is the credentialing entity, the level of support provided by the recovery residence; and (iii) for recovery residences for which Oxford House, Inc., is the credentialing entity, a disclosure that the recovery residence is self-governed and unstaffed.

E. The Department may institute civil proceedings in the name of the Commonwealth to enjoin any person from violating the provisions of this section and to recover a civil penalty of at least \$200 but no more than \$1,000 for each violation. Such proceedings shall be brought in the general district or circuit court for the county, city, or town where the violation occurred or where the defendant resides. Civil penalties assessed under this section shall be paid into the Behavioral Health and Developmental Services Trust Fund established in Virginia Code § [37.2-318](#).

Sec. 5-7. - Short-term residential rental registry pursuant to Va. Code [§ 15.2-983](#)

A. For the purpose of this section, "Short-term rental" means the provision of a room, space, or residence that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a fee for the occupancy. A rental certificate from the Town of Marion shall be required.

B. Short-term residential rentals must be registered with the Town of Marion clerk.

C. Short-term residential rentals will include, but are not limited to, the following:

1. Air B & B
2. VRBO
3. Bed and Breakfast
4. Hostels
5. Homestay

D. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide the complete name of the operator. In addition, the address of each property in the locality is offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner whom a real estate licensee represents; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ [55.1-2200](#) et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

E. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed \$500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance, as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations related to the short-term rental.

F. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ [55.1-1900](#) et seq.), the declaration of a common interest community as defined in § [54.1-2345](#), the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ [55.1-2100](#) et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ [55.1-1800](#) et seq.).

Sec. 5-8. - Residential Rental Districts

A. For the purposes of this ordinance, residential rentals will mean the property owner receiving compensation for space primarily used for residing, dwelling, and/or sleeping for 30 days or longer.

1. The property owner must obtain a rental certificate from the clerk's office.
2. The town council finds that certain residential rental dwelling units, when not the subject of an initial inspection or periodic inspections to ensure compliance with applicable building maintenance regulations, may become unsafe, a public nuisance, and unfit for human habitation.
3. The town council further finds that there is a need to protect the public health, safety, and welfare of the occupants of residential rental dwelling units; that such residential rental dwelling units are either (i) blighted or in the process of deteriorating, or (ii) in

need of inspection by the town to prevent deterioration, taking into account the number, age, and condition of the residential dwelling rental units; and that the inspection of residential rental dwelling units is necessary to maintain safe, decent and sanitary living conditions for tenants and other neighboring residents.

4. There are hereby created rental inspection districts pursuant to [§ 36-105.1:1](#) of the Code of Virginia (1950), as amended.
5. The residential rental inspection procedure will be as follows:
 - a) The town inspector will contact the property owner prior to any inspection.
 - b) The town inspector will set inspections during the hours of 9 am-5 pm, Monday-Friday.
 - c) The town inspector will contact the property owner to notify them of the upcoming inspection with the information provided on the rental certificate.
 - d) The town inspector will work with the owner/tenant schedules to be reasonable.
 - e) The town inspector will check for compliance with the provisions of the Building Code that affect the safe, decent, and sanitary living conditions for the tenants of such property. The town inspector may include the Smyth County Building Inspector for issues he deems dangerous or life-threatening for the tenants.
 - f) All violations the town inspector finds must be repaired, fixed, or corrected within ninety (90) days or at the discretion of the town inspector.
 - g) The town inspector provided that there are no violations of the Building Code that affect the safe, decent, and sanitary living conditions for the tenants of such residential rental dwelling unit, the building department shall provide to the owner of such residential rental dwelling unit, an exemption from the rental inspection ordinance for a minimum of four years, unless the town inspector receives a complaint from the tenant, adjoining property owner, or the property owner.

Sec. 5-9. - Mixed Use Residential

- A. For the purpose of this ordinance, mixed-use residential shall mean any other activity or use of property other than the uses listed in [Division 3](#) charts above. A special use permit is required for all mixed-use residential requests provided that:
 1. The mixed-use request has been discussed with the zoning administrator.
 2. The zoning administrator evaluates the impact on the neighborhood and neighbors.
 3. The applicant applies for a special use permit.

4. If the applicant is successful in obtaining a special use permit, and if the applicant will gain financially, the applicant must obtain a yearly business license from the clerk's office.
5. The applicant must agree to all the stipulations outlined in the special use permit.

Secs. 5-10 through 5-20 - Reserved

DIVISION 6. - OVERLAY DISTRICTS

Sec. 6-1. - Overlays and Purposes

This article aims to promote the health, safety, convenience, order, prosperity, and general welfare of the citizens of the Town of Marion. For this article, the town is divided into the overlays designated below, shown on the zoning map. These overlays further enhance investment and development in these designated areas but do not change the underlying zoning district.

Sec. 6-2. - Central Business District Overlay (CBDO)

The purpose of the Central Business District is to recognize the unique density and cluster of businesses, churches, and residences within the original footprint of the Central Business District. The Marion Central Business District is centered on Main Street and extends from Pendleton Street to Sheffey Street to Town Street and East Court Street.

Sec. 6-3. - Downtown District Overlay (DDO)

The Marion Downtown District was established in 1994 to define the Special Service Tax that provided the foundation for the Marion Downtown Revitalization Association. Borders are Sheffey to Chatham Hill and Lee to Cherry Streets, including all "income-producing properties within and adjacent to this overlay."

Sec. 6-4. - Historic District Overlay (HDO)

In 1999, the Town of Marion partnered with the Virginia Department of Historic Resources (VDHR) to complete the necessary surveys to develop a Local Historic District. The purpose was to provide a community sense of historic preservation as economic development and to encourage sympathetic restoration and renovation of contributing structures within the Historic District. The most recent Marion Historic District extended from Poston Street on the west to the Lee Street/Chatham Hill intersection on the east.

In 2010, the Town of Marion again partnered with VDHR to extend the Marion Historic District to include adjacent contributing residential neighborhoods around downtown and the Southwest Virginia Mental Health Institute to the Marion Train Station.

<https://www.dhr.virginia.gov/historic-registers/119-0012/>

Sec. 6-5. - Enterprise Zone Overlay (EZO)

The Atkins/Marion Enterprise Zone is one of three Enterprise Zones designated by the Commonwealth of Virginia to spur and promote economic growth through targeted incentives (see attached map and incentives

sheet). The Enterprise Zones are managed by Smyth County, with the assistance of the Town of Marion Office of Community and Economic Development.

Enterprise Zones are areas declared eligible by the Governor of Virginia for financial incentives and regulatory exemptions. Businesses that locate within one of these areas and meet specific other requirements are qualified to receive these incentives and exemptions. Smyth County is pleased to offer two enterprise zones covering nearly all the commercial and industrial areas of the County.

1. The Virginia Enterprise Zone Program Objectives:

- a) Promote the area's revitalization through an increase in economic activity.
- b) Stimulate private investment and job creation in the area.
- c) Retain and expand commercial and industrial facilities presently located in the zone.
- d) Attract new industries and businesses to vacant sites within the zone.
- e) Provide tax benefits for locating or expanding an existing business in the zone.

2. Local Incentives for the Atkins/Marion Enterprise Zone include:

Local Financial Assistance • Economic Stimulus Grant – Applicable to Manufacturers Only - A three-year local grant for companies that make new machinery and equipment investments and create new jobs. The funding would be provided through the Smyth County Industrial Development Authority and equivalent to a percentage of the machinery and tools tax due and paid on new equipment and machinery investments and several new jobs created. A cap amount of \$50,000 per year currently applies to this incentive.

(a) Building Permit Fee Rebate - New industrial and commercial buildings and substantial reconstruction of industrial and commercial structures are eligible for a rebate of the building permit fee paid.

(b) Water and Sewer Cost Reductions The water and sewer service cost will be rebated for five years based on the number of jobs created. In addition, water and sewer hook-up fees are rebated for businesses creating jobs.

(c) Real Estate Rehabilitation Tax Exemption - A nine-year decreasing exemption on the increase in assessed property value resulting from substantial rehabilitation of specific commercial or industrial real estate (15 years old or older), starting with 100% credit in the first five years, and decreasing 20% each year to a bottom of 20% in the ninth year. The property value must increase by sixty (60) percent or more to be eligible for this incentive.

(d) Business Professional Occupational License (BPOL) Tax Credit. (Only applies within the Towns of Chilhowie and Marion). A decreasing tax credit over five years following the creation of new jobs. The Amount of Credit is based on the number of jobs created.

http://www.smythcounty.org/economic_development/enterprise_zone/ez_marion_atkins.pdf

Sec. 6-6. - Opportunity Zone Overlay (OZO)

Opportunity Zones are a federal economic development and community development tax benefit established as part of the 2-17 Tax Cuts and Jobs Act available to investors with capital gains designed to encourage long-term

private investment in low-income urban, suburban, and rural census tracts. The Opportunity Zones were nominated by each Governor in the spring of 2018 and comprised low-income census tracts based on the 2015 and 2016 American Community Survey data. Virginia had 901 eligible census tracts, and per the Tax and Jobs Act, each state could only nominate 25 percent, or 212 parcels, and could have up to 5 percent, or 11 qualified census tracts, as contiguous tracts. Therefore, Virginia set the maximum number of parcels, and the designations are permanent until 31 December 2028.

Taxpayers can get capital gains tax deferral for making timely equity investments in Opportunity funds that then deploy capital into Opportunity Zone business and real estate ventures. This economic and community development tax incentive allows investors to support distressed communities to address areas of the Commonwealth that have experienced uneven economic growth and recovery. The tax incentive offers three benefits; tax deferral, tax reduction through long-term investment, and exclusion of certain capital gains tax.

The Town of Marion Opportunity Zone is bordered by the north side of Main Street downtown, extending to Chatham Hill Road to River Street to West Chilhowie Street to the west Town Limits.

<https://vedp.maps.arcgis.com/apps/webappviewer/index.html?id=bf7c530d8e0240c6a911a4b40fb0a357>

Secs. 6-7 through 6-10 - Reserved

DIVISION 7. - PLANNED UNIT DEVELOPMENT

Sec. 7-1. - Purpose of planned unit development.

- (a) The purposes of planned unit developments are to encourage the orderly development of residential or mixed residential/commercial sites and to encourage innovative development patterns that create a desirable environment, particularly for lots that contain several constraints to conventional development. These regulations are designed to achieve the following objectives:
 - (1) Promote efficient use of land and infrastructure through high-quality design;
 - (2) Promote a development pattern in harmony with existing development and the objectives of the Town's Comprehensive Plan;
 - (3) Permit a compatible mix of commercial and residential uses;
 - (4) Provide safe, efficient access and traffic circulation;
 - (5) Create opportunities to use new technologies in managing the quality and quantity of stormwater; and
 - (6) Encourage the preservation of steep slopes, floodplains, historic structures and areas, and unique, natural, or geological formations.

- (7) The Marion Town Council has determined that any open area consisting of one (1) acre or (43,560 square feet) would be a suitable area for a planned unit development.

Sec. 7-2. - Procedural requirements for planned unit development districts.

Applications to establish a Planned Unit Development District or amend the development plan of a Planned Unit Development District shall include a proposed development plan, drawn to scale, containing the following information and necessary explanatory materials:

- (a) Boundaries of the location of the proposed District and the ownership of properties contained therein, as well as all existing public and private streets, alleys, and easements within and immediately adjacent to the district;
- (b) Location, size, and use of existing buildings and the location, size, and use of proposed buildings or additions to existing buildings;
- (c) Location of all existing parking facilities and the approximate location of all proposed surface parking lots or parking structures, including the number of parking spaces for each lot or structure and all existing and proposed means of access to parking areas and public or private streets, alleys, and easements;
- (d) Proposed changes in the location, width, or character of public streets, alleys, or easements within and adjacent to the district, and the delineation of any private driveways or loading spaces that intersect with public rights-of-way or easements and the delineation of routes for emergency vehicles accessing the district;
- (e) Existing and proposed pedestrian routes, including links between various buildings;
- (f) General use of major existing and proposed open spaces within the site and specific features of the development plan, such as screening, buffering, or retention of natural areas, which are intended to enhance compatibility with adjacent properties, and calculations of the percentage of usable open space for the district;
- (g) Infrastructure plans indicating the size and location of existing and proposed stormwater, sanitary sewer, and water lines as well as estimates of impacts of the proposed development on infrastructure capacity in the district and impacts on collector lines immediately outside of the district; and
- (h) Information to demonstrate the compatibility of all structures with the character and appearance of the surrounding neighborhood by the structures' height, bulk, and location within the Planned Unit Development District.

Secs. 7-3 through 7-8 - Reserved

DIVISION 8. - ESTABLISHMENT OF COMMERCIAL, MEDICAL, INDUSTRIAL DISTRICTS, AND RECREATIONAL DISTRICTS

Sec. 8-1. - Commercial General (C-G)

The purpose of this district is to comprise commercial uses of a general nature, mixed-use, and open areas where similar development would be appropriate, according to the comprehensive plan. The district is designed to accommodate a medium concentration of those commercial activities that primarily serve the town and its general market area. Further, this district is established to provide for businesses of this type not located in the town's downtown area but front on or have direct access to major arterial roadways. In addition, the regulations are designed to encourage the clustering of those commercial uses to reduce traffic congestion on major arterials. Please see [Division 9 \(a\)](#) chart for commercial general (C-G) district uses by-right and special use regulations.

Sec. 8-2. - Commercial-Downtown (C-D)

This district comprises those commercial activities and public institutions primarily designed for, rely on, and cater to pedestrian patronage. As designated by the official zoning map, this district encompasses that area of the town established as the main commercial or downtown area. These regulations intend to stabilize and strengthen the function of this area and result in an aesthetically pleasing environment for shopping and outdoor gatherings. Further, these provisions intend to instill a greater sense of community within the town by maintaining the viability of this downtown district. Please see [Division 9 \(b\)](#) chart for Commercial-Downtown (C-D) district uses by-right and special use regulations.

Sec. 8-3. - Commercial-Limited (C-L)

The purpose of this district is to provide service-type retail business uses, office uses of a limited size, and open areas where similar development would be appropriate, which are primarily designed to serve local needs. The intent, further, is to provide for a transitional district between residential and other business districts of a more sensitive nature. Please see [Division 9 \(c\)](#) chart for Commercial-Limited (C-L) district uses by-right and special use regulations.

Sec. 8-4. - Medical Arts General (M-AGEN)

This district consists of structures and uses necessary for providing people with short- and long-term health care. This district's health care interpretation will include public and private primary care providers, surgical care, physical therapy, respiratory therapy, and laboratory services. Please see [Division 9 \(d\)](#) chart for Medical Arts General (M-AGEN) district uses by-right and special use regulations.

Sec. 8-5. - Medical Arts Educational (M-AEDU)

This district consists of structures and uses necessary for advanced education and training in the multidisciplinary medical fields. This district allows limited implementation of medical practices from accredited educational facilities recognized by the State of Virginia. The administering and prescribing of drugs can be at most 10% of the educational activity. Please see [Division 9 \(e\)](#) chart for Medical Arts Education (M-AEDU) district uses by-right and special use regulations.

Sec. 8-6. - Medical Arts Behavioral Sciences (M-ABS)

This district consists of structures and uses necessary for patients' mental health care, treatment, and well-being. These facilities primarily treat individuals who are aged, infirmed, or disabled, including individuals with mental illness, intellectual disability, addiction dependency, or developmental disabilities; for this section, mental illness, addiction dependency, and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in VA Code [§ 54.1-3401](#). In addition, for this section, medical arts behavioral sciences mean any treatment facility governed by the Department of Behavioral Health and Developmental Services. Please see [Division 9 \(f\)](#) chart for Medical Arts Behavioral Science (M-ABS) district uses by-right and special use regulations.

Sec. 8-7. - Industrial General (I-G)

This district comprises industrial uses of a general nature in medium to high concentrations and open areas where such activities would be appropriate from the standpoint of sound planning criteria. This article intends to locate this district near the railroad or major access routes to provide easy access to such uses without undue adverse impact on residential and commercial areas. Further, the intent is to separate these uses from residential ones by prohibiting uses from this district. Please see [Division 9 \(g\)](#) chart for Industrial General (I-G) district uses by-right and special use regulations.

Sec. 8-8. - Recreational Zone (REC)

The Town of Marion governing body has recognized the importance of recreational areas for its citizens' health and general welfare. Parks, golf courses, tennis courts, walking trails, gymnasiums, sports complexes, swimming pools, pickleball, tennis, and basketball courts are available for public use in Marion. Therefore, this district comprises structures, open spaces, and uses of a general nature for one's health, exercise, and enjoyment provided that: Please see [Division 9 \(h\)](#) chart for Recreational Zone (REC) district uses by-right and special use regulations.

- (a) The Town of Marion recreation department governs the facilities.
- (b) The Town of Marion shall be liable for any injury or accident according to the Virginia Code [§ 15.2-1809](#)
- (c) If no closing time is posted, then the closing time will be dusk.
- (d) Drugs, alcohol, and firearms are strictly prohibited.
- (e) Inappropriate or threatening behavior will not be tolerated.
- (f) There could be a fee for using any recreation area or structure. Virginia code [§15.2-5610](#)

Sec. 8-9. – Historic Zone (H-Z)

This district comprises property suitable for cemeteries, graveyards, burial plots, and columbariums.

Secs. 8-10 through 8-12 - Reserved

DIVISION 9 - NON-RESIDENTIAL LAND USES

The following charts list types of commercial land uses, those permitted by right, and those permitted with a special use permit by the process prescribed in [Division 10](#). Unless otherwise allowed by this ordinance, any uses not listed are prohibited. Accessory structures and uses not listed and as defined in §§[5-1](#) and [5-2](#) are permitted in every district subject to the zoning administrator's approval (A special use permit may be required). Supplemental regulations are included in [Division 14](#).

Sec. 9-1. - Non-Residential District Land Use

(a) Commercial General (C-G)

Permitted by Right		Permitted with Special Use Permit
Commercial General		Commercial General
Accessory Uses as regulated in Division 5 Animal Hospitals Automotive Sales, Storage, Repairs, and/or Service Equipment Sales Fitness Centers Gymnasiums and/or recreational areas Professional Office Space Retail Light Retail Pharmacy Places for Public and/or Private Gatherings and/or Social Activities Salons Short-term residential rentals Tattoo Parlor Golf Courses Governmental Buildings Home Office Home Occupation Laboratories Hospitals, Clinics, Urgent Care, and Medical Offices Opticians with optical supply sales and service Funeral Services	Transportation Services Catering Child Care Facilities Churches Dental Offices Dry Cleaners Mixed Use Commercial Residential, as regulated in section 9-4 Emergency Services Furniture Service and/or Storage Gasoline filling stations with/without convenience stores Electric Vehicle Charging Stations Commercial Lodging Laundromats Permanent Storage Museums Skilled Senior Facility Public Amusement Educational Institution and Dormitories Taxidermists	Broadcasting Studios Communication Towers Long-term residential rentals Alternative Retail Heavy Equipment Storage and/or repair yard Methadone and other controlled substance clinics Mixed Use General as regulated in section 9-5 Feed and Seed Processing Commercial Greenhouse Kennels Skills games Public Utility Distribution, Substation, and Storage Yards Solar Farm Radio or Television Transmitter and Tower Wholesale Distributors

(b) Commercial-Downtown (C-D)

Permitted by Right		Permitted with Special Use Permit
Commercial Downtown		Commercial Downtown
Accessory Uses as regulated in Division 5 Fitness Centers Professional Office Space Retail Light Retail Pharmacy Places for Public and/or Private Gatherings and/or Social Activities Salons Short-term residential rentals Governmental Buildings Home Office Home Occupation Laboratories Opticians with optical supply sales and service Funeral Services Taxidermists	Tattoo Parlor Transportation Services Catering Child Care Facilities Churches Dental Offices Dry Cleaners Mixed Use Commercial Residential, as regulated in section 9-4 Emergency Services Furniture Service and/or Storage Gasoline filling stations with/without convenience stores Electric Vehicle Charging Stations Commercial Lodging Laundromats Museums Public Amusement	Animal Hospitals Automotive Sales, Storage, Repairs, and/or Service Broadcasting Studios Gymnasiums and/or recreational areas Long-term residential rentals Alternative Retail Mixed Use General as regulated in section 9-5 Skills games Public Utility Distribution, Substation, and Storage Yards Radio or Television Transmitter and Tower Wholesale Distributors Educational Institution and Dormitories

(c) Commercial-Limited (C-L)

Permitted by Right		Permitted with Special Use Permit
Commercial Limited		Commercial Limited
Accessory Uses as regulated in Division 5 Animal Hospitals Fitness Centers Gymnasiums and/or recreational areas Professional Office Space Retail Light Retail Pharmacy Places for Public and/or Private Gatherings and/or Social Activities Salons Short-term residential rentals Governmental Buildings Home Office Home Occupation Laboratories Hospitals, Clinics, Urgent Care, and Medical Offices Opticians with optical supply sales and service Funeral Services	Catering Child Care Facilities Churches Dental Offices Dry Cleaners Mixed Use Commercial Residential, as regulated in section 9-4 Emergency Services Furniture Service and/or Storage Gasoline filling stations with/without convenience stores Electric Vehicle Charging Stations Commercial Lodging Museum's Permanent Storage Skilled Senior Facility Public Amusement Educational Institution and Dormitories Taxidermists	Automotive Sales, Storage, Repairs, and/or Service Broadcasting Studios Feed and Seed Processing Long-term residential rentals Alternative Retail Mixed Use General as regulated in section 9-5 Skills games Public Utility Distribution, Substation, and Storage Yards Radio or Television Transmitter and Tower Tattoo Parlor Transportation Services Commercial Greenhouse Kennels Laundromats Methadone and other controlled substance clinics

(d) Medical Arts General (M-AGEN)

Permitted by Right	Permitted with Special Use Permit
Medical Arts General	Medical Arts General

Accessory Uses as regulated in Division 5 Gymnasiums and/or recreational areas Fitness Center Medical Facilities Support Services Professional Office Space Pharmacy Laboratories Hospitals, Clinics, Urgent Care, and Medical Offices Opticians with optical supply sales and service	Child Care Facilities Churches Dental Offices Electric Vehicle Charging Stations Skilled Senior Facility Medical Educational Facilities and Dormitories	Emergency Services Short-term residential rentals Long-term residential rentals Mixed Use General as regulated in section 9-5 Public Utility Distribution, Substation, and Storage Yards Methadone and other controlled substance clinics Radio or Television Transmitter and Tower
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(e) Medical Arts Educational (M-AEDU)

Permitted by Right		Permitted with Special Use Permit
Medical Arts Educational		Medical Arts Educational
Accessory Uses as regulated in Division 5 Gymnasiums and/or recreational areas Fitness Center Medical Facilities Support Services Professional Office Space Pharmacy Laboratories Opticians with optical supply sales and service	Child Care Facilities Churches Dental Offices Electric Vehicle Charging Stations Skilled Senior Facility Medical Educational Facilities and Dormitories	Emergency Services Short-term residential rentals Long-term residential rentals Mixed Use General as regulated in section 9-5 Public Utility Distribution, Substation, and Storage Yards Methadone and other controlled substance clinics Radio or Television Transmitter and Tower

(f) Medical Arts Behavioral Sciences (M-ABS)

Permitted by Right		Permitted with Special Use Permit
Medical Arts Behavioral Sciences		Medical Arts Behavioral Sciences
Accessory Uses as regulated in Division 5 Gymnasiums and/or recreational areas Fitness Center Medical Facilities Support Services Professional Office Space Pharmacy Laboratories Opticians with optical supply sales and service	Child Care Facilities Churches Dental Offices Electric Vehicle Charging Stations Skilled Senior Facility Medical Educational Facilities and Dormitories	Emergency Services Short-term residential rentals Long-term residential rentals Mixed Use General as regulated in section 9-5 Public Utility Distribution, Substation, and Storage Yards Methadone and other controlled substance clinics Radio or Television Transmitter and Tower

(g) Industrial General (I-G)

Permitted by Right		Permitted with Special Use Permit
Industrial General		Industrial General
Accessory Uses as regulated in Division 5 Automotive Sales, Storage, Repairs, and/or Service Broadcasting Studios Catering Equipment Sales Heavy Equipment Storage and/or Repair Yard Home Office Manufacturing Public Utility Distribution, Substation, and Storage Yards	Churches Commercial Greenhouse Dry Cleaners Feed and Seed Processing Furniture Service and/or storage Laundromats Permanent Storage Taxidermists Wholesale Distributors Laboratories	Communication Towers Educational Institution and Dormitories Governmental Buildings Gymnasiums and/or recreational areas Mixed Use Commercial Residential, as regulated in section 9-4 Professional Office Space Radio or Television Transmitter and Tower Child Care Facilities

(h) Recreational Zone (REC)

Permitted by Right	Permitted with Special Use Permit
Recreational Zone	Recreational Zone
Accessory Structures Gymnasiums and/or Recreational Areas Golf Courses	Light Retail Mixed Use General as regulated in section 9-5

Sec. 9-2. - Non-Residential District Setbacks

Non-Residential District Setbacks								
Non-Residential District	Minimum Lot Size	Front Yard	Rear Yard	Side Yard	Lot Width	Lot Coverage	Height	Privacy Buffer and Lighting
Commercial General C-G	None, except for permitted uses utilizing individual sewage disposal systems. The health department shall approve the required area.	10 feet	10 feet	10 feet unless it adjoins a residentially zoned area, the side yard setback shall be increased to 30 feet. If it is a corner lot, the side yard that adjoins the street will be increased to 25 feet for sight distances.	None; however, the lot must be large enough to meet the required setbacks adequately.	N/A	45 feet The height may be increased to 55 feet, or 4 stories if there are 2 side yards and each side yard setback increases 1 foot for every foot above 45 feet.	A privacy buffer consisting of landscaping will be required if the property adjoins a residential zone. The buffer must be approved by the zoning administrator and maintained by the owner. All lighting associated with the commercial limited zone shall have minimal impact on adjacent residentially zoned areas.
Commercial Downtown C-D	None, except for permitted uses utilizing individual sewage disposal systems. The health department shall approve the required area.	None	None	If the property in this zone adjoins a residentially zoned district, then the side yard setback shall be 15 feet. If it is a corner lot, the side yard that adjoins the street shall be the maximum distance possible for sight distances.	None	N/A	45 feet The height may be increased to 5 stories if the structure has an automatic fire suppression system.	N/A

Commercial Limited C-L	None; however, lot size shall be adequate to provide the yard space required by this article.	25 feet	25 feet	10 feet unless it is a corner lot, then the side adjoining the street shall be 20 feet for sight distances.	None	45% of the lot area	2 stories	A privacy buffer consisting of landscaping will be required if the property adjoins a residential zone. The buffer must be approved by the zoning administrator and maintained by the owner. All lighting associated with the commercial limited zone shall have minimal impact on any adjacent residentially zoned areas.
Medical Arts General M-AGEN	None, except that the structures used for group residential purposes shall comply with the R-3 District area, setback, yard, and frontage regulations.	25 feet	25 feet 50 feet if the lot adjoins a residential-zoned district.	25 feet 50 feet if the lot adjoins a residential-zoned district.	None; however, the lot must be large enough to meet the required setbacks adequately.	60% of the lot area	35 feet or the height may be increased up to 5 stories if the side yard requirements are increased by 1 foot for every foot above 35 feet in height.	A privacy buffer consisting of landscaping will be required if the property adjoins a residential zone. The buffer must be approved by the zoning administrator and maintained by the owner. All lighting associated with the commercial limited zone shall have minimal impact on any adjacent residentially zoned areas.
Medical Arts Educational M-AEDU	None	25 feet	25 feet 50 feet if the lot adjoins a residential-zoned district.	25 feet 50 feet if the lot adjoins a residential-zoned district.	None; however, the lot must be large enough to meet the required setbacks adequately.	60% of the lot area	35 feet or the height may be increased up to 5 stories if the side yard requirements are increased by 1 foot for every foot above 35 feet in height.	A privacy buffer consisting of landscaping will be required if the property adjoins a residential zone. The buffer must be approved by the zoning administrator and maintained by the owner. All lighting associated with the commercial limited zone shall have minimal impact on any adjacent residentially zoned areas.
Medical Arts Behavioral Sciences M-ABS	None, except that the structures used for group residential purposes shall comply with the R-3 District area, setback, yard, and frontage regulations.	25 feet	25 feet 50 feet if the lot adjoins a residential-zoned district.	25 feet 50 feet if the lot adjoins a residential-zoned district.	None; however, the lot must be large enough to meet the required setbacks adequately.	60% of the lot area	35 feet or the height may be increased up to 5 stories if the side yard requirements are increased by 1 foot for every foot above 35 feet in height.	A privacy buffer consisting of landscaping will be required if the property adjoins a residential zone. The buffer must be approved by the zoning administrator and maintained by the owner. All lighting associated with the commercial limited zone shall have minimal impact on any adjacent residentially zoned areas.
Industrial	None;	25 feet	25 feet	25 feet	None	75% of	45 feet	A privacy buffer consisting of

General I-G	however, lot size shall be adequate to provide the yard space required by this article.		If the lot adjoins a residentially zoned area, the rear yard setback shall be 50 feet.	If the lot adjoins a residentially zoned area, the side yard setback shall be 50 feet.		the lot area.	The zoning administrator must approve structures over 45 feet, and the required side yard must be increased by 1 foot for every foot in height above 45 feet. An automatic fire suppression system shall be required for any structure over 45 feet.	landscaping or fence shall be established by the zoning administrator and maintained by the owner. All lighting shall have minimal impact on any residential districts and traffic.
Recreational REC	None; however, lot size shall be adequate to provide the yard space required by this article.	25 feet	25 feet 50 feet if the lot adjoins a residential-zoned district.	25 feet If the lot adjoins a residentially zoned area, the side yard setback shall be 50 feet.	None; however, the lot must be large enough to meet the required setbacks of structures adequately.	Structures can cover 40% of the lot area	35 feet, or the height may be increased up to 45 feet above grade if the side yard requirements are increased by 1 foot for every foot above 35 feet	A privacy buffer consisting of landscaping will be required if the property adjoins a residential zone. The buffer must be approved by the zoning administrator and maintained by the owner. All lighting associated with the commercial limited zone shall have minimal impact on any adjacent residentially zoned areas.

Sec. 9-3. - Definitions

1. Accessory Structures and Uses: [See Division 5.](#)

2. Adult Establishment: Any one of the following sexually oriented businesses:

- 1) Adult bookstore, video store, or retail store in which a significant portion of the stock contains a depiction or description of specified sexual activities or specified anatomical areas, or instruments or devices designed for use in connection with specified sexual activities and which limits customers to persons over eighteen (18) years of age;
- 2) Adult movie theatre (either outside or inside) or inside arcade in which a substantial portion of the motion picture, video, or other photographic images shown, whether for group or individual viewing is devoted to the showing of material that is characterized by an emphasis on the description or depiction of specified sexual activities or specified anatomical areas;
- 3) Adult model studio, which is open to the public where, for any form of consideration or

gratuity, one or more nude or semi-nude individuals pose for sketching, drawing, painting, sculpture, photography, or other artwork by persons other than the proprietor, excluding any school of art which is fully accredited under the Code of Virginia to issue diplomas;

- 4) Adult nightclub, cabaret, or similar establishment which features regular live performances of individuals who are nude or semi-nude. For this provision, more than one performance in a 30-day period shall be deemed an adult entertainment establishment. For purposes of this provision, seminude shall mean exposure to specified anatomical areas. The definition shall not apply to legitimate theatrical performances where nudity or semi-nudity is only incidental to the primary purpose of the performance. A finding by the zoning administrator that sexually oriented films predominate or that a predominant number of films are restricted to adults shall be presumed to be correct unless the subject owner or operator rebuts the presumption by clear and convincing evidence.
- 5) Adult massage parlor where, for any form of consideration or gratuity, a massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment of manipulation of the human body occurs as a part of or in connection with specified sexual activities or where any person providing such treatment, manipulation, or service related to it exposes any of his or her specified anatomical areas.

For purposes of this article, “specified sexual activities” is defined as human genitals in a state of stimulation or arousal; acts of human masturbation, sexual intercourse, or sodomy; and fondling or another erotic touching of human genitals, pubic regions, buttocks, or female breasts. For purposes of this article, “specified anatomical areas” is defined as the following when less than completely or opaquely covered, human genitals, pubic regions, buttocks, female breast below a point immediately below or above the top of the areola, and human male genitals in a discernably turgid state, even if completely covered or opaquely covered.

3. **Alley:** Any public or private way set aside for public travel, 20 feet or less in width, which provides a secondary means of vehicular access to abutting lots and is not intended for primary access and general traffic circulation.
4. **Art studio or gallery:** A building used for the display and/or sale of artists’ work, including drawings, paintings, pottery, photography, and other artworks, in addition to artists’ working space. The definition also includes music and dance studios.
5. **Animal Hospitals:** A facility for the care, grooming, boarding diagnosis, and medical treatment of animals and those needing surgical procedures may include overnight accommodations on the premises for treatment, observation, and/or recuperation. They are also referred to as a Vet’s office or Veterinarian.
6. **Appropriateness:** The quality of being suitable or right for a particular situation or occasion.

- 7. Automotive Sales, Storage, Repairs, and/or Service:** A business used for the retail sale or rental of new or used automobiles, the servicing and/or mechanical repairs of cars, and similar automotive vehicles, or the storage of automobiles or similar vehicles. These types of businesses do not sell fuel products. Examples of this category will include dealerships, transmission shops, muffler shops, wheel alignment and brake shops, cosmetic polishing, rust proofing, and undercoating shops, auto body repair and paint shops, and similar.
- 8. Alternative Retail (Special Use Permit Required):** The retail sale or offering of any goods not commonly sold in retail businesses. Such items like clothing, groceries, and everyday household items would not be considered alternative retail. Examples of alternative retail would include sex shops, pornographic material sales, and dispensaries for cannabis, marijuana, and/or THC-infused items.
- 9. Broadcasting Studios:** A structure where the electronic transmission of commercial and public communications use radio and television for broadcasting and receiving stations and studios, with facilities contained entirely within buildings.
- 10. Camping:** A temporary, recreational overnight land use for personal or family members.
- 11. Campground:** An area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for manufactured homes as defined in this section and in §§ 32.1-203 and 36-85.3, or a construction camp, storage area for unoccupied camping units or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.
- 12. Camping unit:** Any device or vehicular structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel, including any tent, tent trailer, travel trailer, camping trailer, pickup camper, or motor home.
- 13. Campsite:** Any plot of ground within a campground used or intended for occupation by the camping unit.
- 14. Columbarium:** A structure for the respectful and usually public storage of funerary urns holding cremains of the dead.
- 15. Primitive campsites:** These are campsites that are characterized by the absence of toilets, showers, lavatories, electrical connections, or any combination thereof.
- 16. Sanitary facilities:** Toilets, privies, urinals, lavatories, and showers.
- 17. Service building:** A structure housing toilets, showers, or lavatories.

- 18. Catering:** A business for providing food and drink at events, organizations, or private individuals.
- 19. Cemetery:** Any land or structure used or intended to be used for the interment of human remains.
- 20. Child Care Facility:** A structure that includes any commercial, medical, or residential structure that is used to provide child-care services.
- 21. Child Care Services:** A service that provides regular care, protection, and guidance to one or more children not related by blood or marriage while such children are separated from their parents, guardian, or legal custodian in a dwelling not the residence of the child during part of the day for at least four days of a calendar week. [Virginia Code § 15.2-914.](#)
- 22. Children's residential facility:** Any facility, child-caring institution, or group home that is state-licensed and maintained to receive children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or to provide independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care.
- 23. Commercial Greenhouse:** means a building used for the growing of flowers, vegetables, shrubs, trees, and similar vegetation for wholesale or retail sales. This definition shall not include any premises that are used for the growing of mushrooms.
- 24. Commercial Lodging:** A business that offers accommodations to traveling guests for a fee generally overnight for up to two weeks. However, less than 30 days of continuous stays. Examples: Hotels, Motels, and roadside inns.
- 25. Day care center:** Any facility licensed or approved by the state and operated to provide care, protection, and guidance to six (6) or more individuals during only part of a twenty-four-hour day. This term includes nursery schools, preschools, daycare centers for children or adults, and other similar uses. Still, it excludes public and private educational facilities or any facility offering care to individuals for an entire twenty-four-hour period and excludes family daycare homes.
- 26. Dental Offices:** A structure where licensed dentists and staff practice dental and oral medicine. It is a branch of medicine focused on the teeth, gums, and mouth. It consists of studying, diagnosing, preventing, managing, and treating diseases, disorders, and mouth conditions.
- 27. Dry Cleaners:** A business that cleans clothing, fabrics, draperies, etc., with chemicals rather than water.
- 28. Duplex:** Two (2) single-family homes under a single roof, divided by a common or shared wall. Each unit has its own utilities, entrances, and minimum off-street parking areas.
- 29. Educational Institution and Dormitories:** A place where people gain an education, including preschools, primary-elementary schools, secondary-high schools, and universities. They provide a large variety of learning environments and learning spaces. The educational institution may or may not also have residence halls or dormitories associated with the facility for housing students. Examples: Trade Schools, Colleges, Universities, Medical Training Schools, etc.

- 30. *Electric Vehicle Charging Station:*** A dedicated area where, for a fee, a piece of equipment supplies electrical power for charging plug-in electric vehicles (including electric cars, electric trucks, electric buses, neighborhood electric vehicles, and plug-in hybrids).
- 31. *Emergency Services:*** A public organization that responds to and deals with emergencies when they occur, especially those that provide police, ambulance, and firefighting services.
- 32. *Equipment Sales:*** The retail sale of specific equipment that is larger and requires more area. Examples: Contractor Equipment, Farm Equipment, and other similar-sized equipment.
- 33. *Family:*** One or more persons related by blood, adoption, or marriage, living together as a single housekeeping unit, as distinguished from a group occupying a rooming or boarding house. A number of persons not exceeding four living together as a single housekeeping unit, though not related by blood, adoption, or marriage, shall be deemed to constitute a family, as shall a foster care home approved by the state.
- 34. *Family day care home:*** A single-family dwelling in which more than four but less than 13 children, exclusive of the provider's own children, and any children who reside in the home are provided care during only part of a twenty-four-hour day. Individuals related by blood, legal adoption, or marriage to the person who maintains the home shall also not be counted towards this total. A single-family dwelling in which care is provided to 1 to 4 children (exclusive of the provider's own children, those that reside in the dwelling or are related by blood, legal adoption, or marriage to the person who maintains the home) shall be considered the same as residential occupancy by a single family.
- 35. *Feed and Seed Processing:*** This shall refer to all the steps necessary to prepare a feed and harvested seed for marketing, namely, handling, drying, shelling, preconditioning, cleaning, sizing, and packaging.
- 36. *Fitness Center:*** A health, recreational, and social facility for exercise, sports, and other physical activities. Typically, a fitness center has specialized equipment and may offer exercise classes concentrating on weight loss, stamina, and physical conditioning.
- 37. *Floodplain or flood-prone area:*** Any area susceptible to being inundated by water from any source.
- 38. *Floodway:*** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- 39. *Funeral Services:*** A business wherein a licensed person prepares corpses for burial or cremation, which may or may not include a chapel for funeral services, including retail sales of burial plots, caskets, urns, etc. Examples: Funeral Home, Crematorium, and Mortuary.
- 40. *Furniture Service and/or Storage:*** An accessory building, other than the retail location, used for the service and storage of furniture. Not sales. Examples: Furniture Warehouses and Furniture Service Centers.

- 41. Gasoline Filling Stations with/without convenience stores:** A facility that sells fuel and engine lubricant for motor vehicles. It may or may not include a retail convenience store and may or may not have Electric Vehicle Charging Stations on the property.
- 42. Golf Course:** An area of land laid out for golf with nine or more holes, each including a tee, fairway, putting green, and sometimes a driving range, often one or more natural or artificial hazards. It may also have a clubhouse with a small retail business located inside.
- 43. Governmental Buildings:** A structure associated with Federal, State, or Local government activities. Examples: Courthouse and City/Town Halls.
- 44. Group Home:** A residential facility in which no more than eight (8) individuals who are aged, infirm, or disabled reside, including individuals with mental illness, intellectual disability, or developmental disabilities, along with one or more resident or nonresident staff persons providing care for the residents. For the purposes of this section, mental illness, and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in VA Code § [54.1-3401](#). For purposes of this section, "residential facility" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services or the Department of Social Services is the licensing authority pursuant to this Code. Reference VA. Code [§ 15.2-2291](#).
- 45. Gymnasiums and/or Recreation Areas:** A public place or building for various sports and exercising. Examples: Sports Complex, Indoor Basketball Courts, Indoor Pickle Ball Courts, Indoor swimming pools, Parks, Walking Tracks, trails, etc.
- 46. Heavy Equipment Storage and/or Repair Yard:** Uncommon storage due to the size of equipment, that is used primarily for storing or repairing large equipment such as Construction Equipment, Farming Equipment, Large Boats, etc.
- 47. Home Occupation (Special Use Permit Required in Residential Zones):** A business license must be obtained before starting a home occupation. Home occupation definition is the use of a dwelling or an accessory building on the same zoning lot for commercial activities; these activities must be clearly secondary to the use of the structure as a residential dwelling, which creates zero impact on the surrounding neighborhood. The only employees that are allowed to work at the home occupation are the individuals that live at the exact location. No shop or store frontages or street signage is allowed, no products or goods sold or offered to buyers on-site, no customer or client visits before 9 a.m. or after 5 p.m. daily, and minimal shipping and receiving are permitted. Examples of Home Occupation: Etsy, eBay, Internet Sales, Trades, Podcasts, Small craft sales, selling baked goods, etc. ([See Section 5-3](#))
- 48. Home Office:** An area inside your residence or accessory structure located on the same owned property where an office for work-from-home jobs can be performed. At no time shall the home office employ any employee other than the residents who live at the exact location. All activity must remain inside the residence and have zero impact on traffic, noise, no shipping or receiving activities, and no business-related visitors. ([See Section 5-4](#))
- 49. Hospitals, Clinics, Urgent Care, and Medical Offices:** An establishment built, staffed, and equipped for disease diagnosis, treating medical, physical, and surgical issues of the sick and

injured inpatient and outpatient, which has a licensed staff and physicians and can admit patients and prescribe medications.

- 50. *Kennel:*** A business license is required if it is a commercial kennel. Kennel is where five (5) or more animals are boarded for compensation and/or bred and/or sold at the premises.
- 51. *Laboratories:*** A business licensed through state agencies, with licensed staff equipped for the experimental study in a science or testing and analysis of medical and pharmaceutical applications.
- 52. *Laundromat:*** A business with laundering equipment available to the public for a fee.
- 53. *Light Retail:*** A smaller structure that will lessen the impact of surrounding neighborhoods that sell goods, products, and merchandise with a total floor space not to exceed 2200 sq. ft. Examples: Art Supply Stores, Neighborhood stores, family-owned pharmacies, general stores, etc.
- 54. *Long-term Residential Rentals:*** A dwelling unit that a tenant rents for the use of a residence on a term longer than 30 days. You may or may not have to sign a lease or contract. [See §5-8.](#)
- 55. *Lot:*** A piece, parcel, or plot of land which may consist of one or more platted lots in one ownership, occupied or intended to be occupied by one principal building and its accessory buildings, including the open space required under this article.
- 56. *Lot, corner:*** A lot fronting two intersecting streets or adjoining a curbed street at the end of a block.
- 57. *Lot width:*** The horizontal distance between the side property lines of a lot measured at the point of the minimum front setback from the street right-of-way. If the street line curves or angles, the setback line shall also curve or angle uniformly with the street line, and the lot width shall be calculated along the curve or angle setback line.
- 58. *Manufacturing:*** The processing of raw materials or parts into finished goods through the use of tools, human labor, machinery, and chemical processing in such a way that no operations are carried on, which will create excessive smoke, fumes, odor, noise, or dust.
- 59. *Medical Facilities Support Services:*** Any services that typically support Hospitals, Clinics, Urgent Care, Skilled Senior facilities, etc. Examples: Flower Shops, Cafeteria, Laundry, Hair Salons, Gift Shops, etc.
- 60. *Methadone and other controlled substance clinics (Special Use Permit Required):*** A treatment provider for persons with opiate addiction through controlled substances, methadone, or other opioid replacements. All clinics must comply with [Virginia Chapter 105](#) Rules and Regulations.
- 61. *Mobile food vending unit:*** A trailer, vehicle, pushcart, or stand (either motorized or non-motorized) subject to Virginia Department of Health regulations and designed to be portable, not permanently attached to the ground and utilities, and from which only prepared food or beverages are displayed, offered for sale, sold, or given away. This definition excludes mobile food vendors for town-authorized special events or special events by a church or non-profit organization of no more than three (3) days in duration. [See sec. 14-3 \(a\).](#)

- 62. *Museums:*** a building where objects of historical, scientific, artistic, or cultural interest are stored and exhibited.
- 63. *Non-conforming lot:*** An otherwise legally platted lot that does not conform to the minimum area or width requirements of this chapter for the district in which it is located, either at the effective date of this chapter or as a result of subsequent amendments to this chapter.
- 64. *Non-conforming structure:*** An otherwise legal building or structure that does not conform to the lot area, yard, height, lot coverage, density, or other area regulations of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.
- 65. *Non-conforming use:*** A use or activity which was legal when established initially but that fails to conform to the current use regulations and standards of this chapter for the district in which it is located either at the effective date of this chapter or as a result of subsequent amendments to this chapter.
- 66. *Off-street parking requirements:*** The minimum area required for parking vehicles off the street on private property with access to a public road or right-of-way.
- 67. *Opticians with optical supply sales and service:*** A business with licensed staff qualified to diagnose and treat eye disease, supply and service eyeglasses and contact lenses for correction to vision.
- 68. *Permanent Storage:*** A permanent building or structure where storage space can be rented and/or leased. All items must be kept inside the structure. Examples: Mini Storage units, Indoor Storage Facilities, Warehouses, etc.
- 69. *Pharmacy:*** A business that the Virginia Board of Pharmacy governs that practices the profession of preparing, preserving, compounding, and dispensing medical drugs. Examples: CVS, Walgreens, Rite Aid, etc.
- 70. *Places for Public and/or Private Gatherings and/or Social Activities:*** Structures or areas designed for use or intended for social assemblies, gatherings, and meetings. These structures may or may not be rented for private events. Examples: Assembly Halls, Community Building, Civic Buildings, Lodges, Clubs, etc.
- 71. *Portable storage containers:*** a transportable unit designed and used for the temporary storage of materials or furnishings associated with construction, renovation, or relocation activity on the property where the container is placed. This definition excludes the following:
- 1) the use of storage containers for a consecutive ten (10)-day period or less for loading and unloading furnishings (moving residences);
 - 2) The temporary storage of construction items while building or remodeling structures.
- 72. *Professional Office Space:*** Spaces used for administrative, managerial, and billing locations. Selling products and stocked goods from these locations is prohibited; however, you can sell services such as finance, insurance, and real estate. Examples: Banks, Insurance offices, Law offices, Government offices, Billing offices, Realtor offices, Tax offices, Etc.
- 73. *Public Amusement:*** This means any use the public uses for amusement. Examples: skating rink, swimming pool, billiard hall, bowling alley, shooting range, circus,

carnival, theater, etc. that is open to the public.

- 74. *Public Utility Distribution, Substation, and Storage Yards:*** A location necessary for placing public utilities for distribution, substation, and storage yards. Nevertheless, all attempts will be made to locate these structures on the outlying limits of the Town due to line length and loss of signal, it may be impossible to do so to provide quality services.
- 75. *Radio or Television Transmitter and Tower:*** any emitting, transmitting, relaying, or amplifying equipment or system, terrestrial or in space, mobile or stationary, that allows direct reception of radio, television, and data broadcasts.
- 76. *Reasonable:*** Based on or using good judgement and therefore fair and practical. Something that just makes sense.
- 77. *Recovery House:*** A residential program or transitional residence for people who are overcoming the effects of drug or alcohol addictions. No treatment, medications, or on-site clinical operations can be administered.
- 78. *Retail:*** Any business where you can purchase merchandise, consumer products, and stocked goods. This location does not sell services or documents (See Professional Office Space). Examples: Restaurants, Hardware Stores, Gas Stations, Clothing Stores, Grocery Stores, Department Stores, Drinking Establishments, etc.
- 79. *Salons:*** A store where you can get a particular service, especially connected with health, fitness, weight loss, beauty, relaxation, or fashion. Examples: Beauty Shops, Barber Shops, Nail Salons, Tanning Salons and Spas.
- 80. *Setback:*** The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.
- 81. *Short-term residential rentals:*** a rental of any residential home or dwelling space for less than 30 days for a fee. Examples: Air B and B, Bedroom Rentals, Hostels, Bed and Breakfast, VRBO, etc.
- 82. *Skilled Senior Facility:*** A facility with the staff and equipment to give skilled nursing care and/or skilled rehabilitation services and other related health services, primarily for senior citizens. Examples: Nursing Homes, Convalescent Homes, Assisted Living Facilities, Retirement Homes, etc.
- 83. *Skills Games:*** Mean games or machines that are operationally capable of the patron receiving significant financial compensation, either in actual money or tradeable credit through a skilled or non-skilled demonstration.
- 84. *Small Machinery Sales and Service:*** A business that sells and services small equipment. Examples: Lawnmower sales/service, Garden Tiller sales/service, Weed Eater sales/service, Chainsaw sales/service, etc.
- 85. *Tattoo Parlor:*** A state-licensed establishment that offers or practices the placing of designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin of any person with ink or any other substance, resulting in the permanent coloration of the skin, including permanent make-up or permanent jewelry (body piercing), with the aid of needles or any other instrument designed to touch or puncture the skin.

- 86. *Taxidermists:*** This is the art of preserving an animal's body via mounting (over an armature) or stuffing for display or study. Animals are often, but not always, portrayed in a natural state.
- 87. *Temporary Seasonal Sales:*** Outside sales or distribution of agricultural or horticultural products that are seasonal in nature, including farm products, bedding plants, and Christmas trees, but excluding outside sales activity that is conducted on a site with an existing permitted retail operation, and the on-site tenant or property owner conducts that and is clearly incidental to the primary use of the property. This definition excludes yard sales conducted by property owners or residents on their premises as long as they are limited to three (3) days in duration and no more than two (2) yard sales on the same property per calendar year. The definition also excludes temporary outdoor sales conducted by a church or non-profit organization of no more than three (3) days in duration.
- 88. *Temporary Use Permit:*** A permit authorized by the town to allow a property owner or tenant to conduct a temporary use at a specific location in compliance with this article. Temporary uses on the town-owned property are subject to established town policies and procedures.
- 89. *Townhouse:*** A multi-family structure consisting of three (3) or more single-family homes, but does not exceed five (5) units generally in a row under a single roof separated by common interior walls. Each single-family home inside a townhouse must have its own entrance, utility connections, and minimum off-street parking areas.
- 90. *Trade School:*** A postsecondary educational institution designed to train students for a specific job in a skilled trade career.
- 91. *Training School (Medical):*** a postsecondary educational institution designed to train students in the medical field.
- 92. *Transportation Services:*** Any service that provides transportation for citizens locally or regionally. Examples: Bus Stations, Taxi Stands, Uber, Lyft, etc.
- 93. *Wholesale Distributor:*** Buys large quantities of products from manufacturers or suppliers and sells them wholesale to customers.

Sec. 9-4. - Mixed Use Commercial Residential

Definition: Developments that combine retail service or other commercial uses with residential use in the same building or site.

(a) Dwelling units shall be allowed by right on the second or higher floors.

(b) Dwelling units occupying the first floor of any structure shall only be allowed under the following circumstances:

(1) If the building fronts a public street, the residential portion of the first floor shall be shielded by an office or retail space or a lobby that maintains a commercial appearance.

(2) At least 50% of the first-floor area shall be dedicated to non-residential use.

Sec. 9-5. - Mixed Use General (Special Use Permit Required)

Definition: Any use other than the use the district was intended for.

- (a) All mixed-use general requests must be made to the Zoning Administrator before progressing with the requested use.
- (b) All mixed-use general requests must be in writing by the property owner.
- (c) No mixed-use general request will be considered if deemed illegal in Virginia.
- (d) The Marion Planning Commission will hear all mixed-use general requests for appropriateness and reasonableness.
- (e) All mixed-use general requests will have a joint public hearing before the Marion Town Council and the Marion Planning Commission.
- (f) By signing the approved special use permit for your mixed-use general request, the applicant agrees to all conditions outlined in the special use permit and understands that if in violation of the special use conditions, the permit may be revoked, and a cease and desist order will be issued.

Sec. 9-6. - Solar Energy Facilities

Applicability and Permitting:

A. The requirements outlined in this article shall govern the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the Town.

- 1. A special use permit is required for each large power grid-scale solar energy facility proposed to be constructed, installed, or operated in the Town of Marion.
- 2. A zoning permit is required for each small power grid-scale solar energy facility proposed to be constructed, installed, or operated in the Town except where a special use permit is required within a specific zoning district.
- 3. Small power grid-scale solar energy facilities are permitted use in the Industrial General (I-G) Zoning Districts with a Zoning Permit.
- 4. Large power grid-scale solar energy facilities are permitted use in the Industrial General (I-G) Zoning Districts with a special use Permit.

B. Applications, Procedures, and Requirements for Property Owner Scale Solar Collection Systems:

- 1. Property owner-scale solar collection systems are permitted in all zoning districts to serve any permitted use. ([Code of Virginia § 15.2-2288.7. Local regulation of solar facilities.](#))
- 2. A building permit is required for all property owner-scale solar collection systems.

3. Integrated PV systems are encouraged for solar collection systems mounted on structures, especially for those in residential districts and for all roof-mounted systems where a pitched roof is visible from the street.
4. Components may be mounted on the roof(s) of principal or accessory structures, other parts of structures, or the ground.
5. As part of the permit application, the applicant shall submit drawings prepared by a licensed engineer, which demonstrates how the solar collection system will be attached to the roof, the snow load capacity, and relevant construction details. A roof inspection report is also required prior to installation for all roof-mounted systems to ensure that the expected life of the roof will match or exceed the expected life of the solar collection system. The inspection may be performed by a certified home inspection professional, a licensed roofing contractor, or a registered engineer.
6. All solar panels, supporting structures, and other equipment must comply with the minimum setback and maximum height standards that apply to principal and accessory structures within the district where they are located.
7. Ground-mounted systems shall be screened from view of adjoining streets.
8. Property owner-scale solar collection systems are subject to all applicable building, electrical, and plumbing code requirements.

C. Application, Procedures, and Requirements for Small Power Grid-scale solar energy facilities:

1. For proposed small power grid-scale solar energy facilities, the applicant shall submit a project narrative and site plan that comply with [subsection a in section D](#).
2. The signage, noise, and lighting requirements in [section E](#) shall apply to all small power grid-scale solar energy facilities.
3. The fencing requirement and the height restriction in [section E](#) shall apply to all ground-mounted small power grid-scale solar energy facilities, except those that are mounted on or over a parking lot. Fencing requirements and height restrictions for small power grid scale solar energy facilities that are mounted on or over a parking lot, building, or structure are governed by the fencing guidelines for the zoning district where the facility is located.
4. For roof-mounted systems, the applicant shall submit drawings prepared by a licensed engineer, architect, or other qualified professional, which demonstrates how the solar collection system will be attached to the roof, the snow load capacity, and relevant construction details. A roof inspection report is also required prior to installation for all roof mounted systems to assure that the expected life of the roof will match or exceed the expected life of the solar collection system. The inspection may be performed by a certified home inspection professional, a licensed roofing contractor, or a registered engineer.
5. The setback, lighting, vegetative buffering, and pollinator habitats requirements in [section E](#) shall apply to all small power grid-scale solar energy facilities except those that are mounted on or over a building, structure, or parking lot; or that utilize integrated PV only.

The setback, lighting, buffer yard, and landscaping requirements for small power grid scale solar energy facilities that are mounted on or over a parking lot, building, or structure shall conform to the guidelines for setbacks, lighting, buffer yards, and landscaping in the zoning district where the facility is located.

6. Small power grid-scale solar energy facilities are required to have a decommissioning plan and security that complies with [subsection d of section D](#).
7. The zoning administrator may require additional information, including but not limited to a site plan and/or construction details from the applicant to determine whether the facility meets these requirements and qualifies as a small power grid-scale solar energy facility.

D. Applications and procedures for a Large Power Grid Scale Solar Energy Facility:

1. In addition to materials required for a special use permit application under [section C](#), applications for large power grid-scale solar energy facilities shall, unless otherwise provided herein, include the following information:

a. Project Narrative: A narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of the application, and describing the proposed large power grid-scale solar energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of solar equipment to be constructed, including without limitation, photovoltaic panels, ancillary facilities, if applicable, and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electrical grid interconnection.

b. Site Plan: The site plan shall include the following information:

- (1) Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements.
- (2) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
- (3) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation (VDOT) that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
- (4) Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).
- (5) Fencing as required under this article and other methods of ensuring public safety.

- (6) Areas where the vegetative buffering required in this article will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers required in this article will be installed and maintained.
- (7) Existing wetlands, woodlands, and areas containing substantial woods or dense vegetation.
- (8) Additional information that may be necessary for a technical review of the proposal may be required, as determined by the zoning administrator. The Planning Commission or Town Council may require other relevant information deemed to be necessary to evaluate the application.

c. *Documentation of Right to Use Property for the Proposed Facility:* Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.

d. *Decommissioning Plan and Security:* The decommissioning plan shall include the following information:

- (1) The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to [section F](#). The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.
- (2) Security: Pursuant to [§ 15.2-2241.2 of the Code of Virginia](#), prior to operation, the applicant must provide security in the amount of the estimated cost of the decommissioning.
Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the Town in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the Town.
The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the Town if the estimated cost of decommissioning the facility changes.
The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommissioning plan.
Obtaining and maintaining the requisite security will be a mandatory condition of the

special use permit. The security shall be in favor of the Town and shall be obtained and delivered to the Town before any construction commences.

- (3) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.

e. Landscaping and Screening Plan: The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the project area and in the setbacks and vegetative buffering as required in this article.

f. Erosion and Sediment Control Plan: An erosion and sediment control plan must be approved by the Town staff and, when applicable, by the Virginia Department of Environmental Quality prior to any land-disturbing activity.

g. Stormwater Management Plan: A stormwater management plan must be approved by the Department of Environmental Quality prior to any land-disturbing activity.

h. Review Fees: The Town may retain qualified third parties to review portions of a permit application that are outside the Town's areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the Town for such review by qualified third parties shall be paid for by the applicant. The third-party reviewers and their estimated costs will be submitted to the applicant for approval before the costs are incurred. The Town may, in the alternative, accept such review by qualified third parties selected, retained, and paid for by the applicant.

i. Exemptions: The zoning administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than one megawatt (MW) from some of the requirements of this section provided; however, the zoning administrator may not exempt applications from any of the requirements included in [section C](#).

j. Post-Application Documentation and Approvals: All documentation required to be submitted to and approvals required from the Town after the issuance of the permit shall, unless otherwise stated in the conditions attached to the special exception permit, be submitted, or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a special exception permit shall result in the suspension of the special exception permit and the denial of the building permit.

E. Location, Appearance, and Operational Requirements:

The following requirements apply to large power grid-scale solar energy facilities:

- 1. Visual Impacts:*** The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on viewsheds, including residential areas and areas of scenic, historical, cultural, archaeological,

and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the Town that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.

2. Signage: All signage on the site shall comply with the Town sign ordinance, as adopted and from time to time amended.

3. Noise: Noise levels from the facility shall comply at all times with the Town noise ordinance, as adopted and from time to time amended.

4. Setbacks: The project area shall be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a particular permit.

Solar energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located, in addition to the requirements set forth above. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such electrical grid connections are generally perpendicular to the property line.

5. Fencing: The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device, such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer is required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.

6. Vegetative Buffer: A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under [item 4 above](#) and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a special use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The Town Council may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and pollinators friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers must be used in the vegetative buffer.

Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a

buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased, or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed or are not present, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.

- 7. Height:** Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.
- 8. Lighting:** Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects
- 9. Location:** Large power grid-scale solar energy facilities shall not be located within one mile of an airport, helipad, or heliport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard and will not interfere with the airport operations.
- 10. Entry and Inspection:** The facility and site owners and/or operator will allow designated Town officials access to the facility for inspection purposes, provided such inspectors will be subject to the facility and site owner and/or operator's safety requirements and protocols while within the facility.

F. Decommissioning of unsafe or abandoned projects:

1. If a solar energy facility has been determined to be unsafe by the Town Zoning Administrator or the Maintenance official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the Zoning Administrator or Maintenance official, within the time period allowed by the Zoning Administrator. If directed to do so by the Zoning Administrator, the owners, or the operator will remove the solar energy facility in compliance with the decommissioning plan established for such a facility.
2. If any solar energy generation facility is not operated for a continuous period of 12 months, the Town may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for corrective action to be unreasonable, it may notify the facility owner, and the facility owner, site owner, or operator shall remove the solar energy facility in compliance with the decommissioning plan established for such a facility.
3. At such time that a solar energy facility is scheduled to be abandoned, the facility owner, site owner, or operator shall notify the zoning administrator in writing.

4. Within 365 days of the date of abandonment, whether as declared by the Town under [item 2](#) of this section or as scheduled by the owners or operator under [item 3](#) of this section, the facility owner, site owner, or operator shall complete the physical removal of the solar energy facility in compliance with the decommissioning plan established for such facility. This period may be extended at the request of the owners or operator upon approval of the Town Council.
5. When the facility owner, site owner, operator, or other responsible party decommissions a solar energy facility, he shall handle and dispose of the equipment and other facility components in conformance with federal, state, and local requirements. All equipment, both above and below ground must be removed as part of the decommissioning plan. Internal paths, roads, travelways, and landscaping may be left to the site owner's discretion.
6. If the facility owner, site owner, or operator fails to timely remove or repair an unsafe or abandoned solar energy facility after written notice, the Town may pursue legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The Town may also call upon the decommissioning security to remove the facility.

G. Federal, State, and Local Requirements:

1. Compliance with uniform statewide building code. All solar energy facilities shall be constructed and operated in compliance with the uniform statewide building code.
2. Compliance with the National Electric Code. All solar energy facilities shall be constructed and operated in compliance with the National Electric Code.
3. Compliance with regulations governing electric energy supply. Large power grid-scale solar energy facilities connected to the utility grid must comply with permitting requirements of the state corporation commission or the permit-by-rule requirements of the Department of Environmental Quality, as applicable.
4. FAA regulations. All solar energy facilities must meet or exceed the standards and regulations of the Federal Aviation Administration.
5. Other applicable laws. All solar energy facilities shall be constructed and operated in compliance with all applicable local, state, and federal laws, rules, regulations, permit requirements, and ordinances.

H. Revenue Share Ordinance:

1. In accordance with the [Code of Virginia § 58.1-2636](#), the town reserves the right to enact a solar revenue share ordinance for all solar projects over five megawatts in rated alternating current capacity and/or other applicable projects as stated in this section. Project developers shall notify the zoning administrator of any proposed projects that plan to meet or exceed the rated capacity criteria.

I. Solar Siting Agreements:

1. In accordance with the Code of Virginia [§ 15.2-2316.6](#) through 9, any solar project developer for projects over five megawatts in rated alternating current capacity shall contact the Zoning Administrator regarding the need for a solar siting agreement prior to submitting a development or site plan application to the Town.

Sec. 9-7. - Camping on private properties

Camping on private property is allowed in the Town of Marion with the following restrictions:

1. There must be a camping unit. (Tent, Travel Trailer, RV, etc.)
2. Only one (1) camping unit per service building located on the same parcel or parcels that are contiguously owned by the owner.
3. The service building must have working sanitary facilities available 24 hours a day for the people camping on your property.
4. Camping is allowed for seventy-two (72) consecutive Hours. Example: Friday, Saturday, and Sunday.
5. People can only camp on the property they own or are related to the owner.
6. No more than four (4) people can camp in a camping unit simultaneously.
7. Primitive camping is prohibited. A service building with working sanitary facilities is required.

Secs. 9-8 thru 9-12 Reserved

DIVISION 10 - SPECIAL USE PERMITS

Sec. 10-1. - Purpose.

This division provides for the approval process for special uses as a discretionary legislative action pursuant to the Code of Virginia [§ 15.2-2286](#). The purpose of this division is to allow flexibility for certain uses to occur if they meet specific criteria set out below and any conditions deemed appropriate to eliminate or mitigate adverse impacts on the adjoining property or to address other public health, safety, or welfare concerns.

Sec. 10-2. - Applicability.

Special uses within a zoning district are uses that are not permitted in a particular district except by special use permit granted under the provisions of this section. As outlined in the Land Use matrix in Divisions [3](#) and [9](#), a special use permit shall be required for all special uses.

Sec. 10-3. - Authority.

Pursuant to Code of Virginia, [§15.2-2286](#) (3), as amended, repealed, reenacted, or re-codified from time to time, the Town Council does hereby reserve unto itself the right to grant special use permits, subject to such suitable regulations and safeguards as may be determined appropriate and reasonable for each special use.

Sec. 10-4. - Application and Review Process.

An application for each special use permit shall be submitted to the town's zoning office with an application fee as provided in the appendix of this ordinance.

- a) The application shall provide a detailed description of the proposed use or activity, including any proposed building construction and site improvements, and shall include a concept site plan. The applicant is advised to attend a pre-application meeting with the zoning administrator to review the application requirements and the review process.
- b) The Planning Commission shall neither recommend nor the Town Council approve any special use permit until the Town Council holds public hearings. The Planning Commission and Town Council may hold a joint public hearing for specific requests after public notice as set forth below, and if such joint hearing is held, public notice as set forth below need be given only by the Town Council.
- c) The procedures for required notice for the public hearing on such special use permit application shall conform with the requirements of Code of Virginia, [§ 15.2-2204](#) as amended, repealed, reenacted, or re-codified from time to time. The applicant must pay the cost of the required public notice in the newspaper and the postage cost for the mailings to adjoining property owners.
- d) Each such application shall be referred to the Planning Commission, which shall make a positive or negative recommendation to the town council for final approval or disapproval. The Planning Commission, in determining whether to make a positive or negative recommendation, shall consider facts about the criteria listed in (f) below.
- e) The Town Council, after due advertisement and public hearing as set forth above, and upon recommendation of the Planning Commission for approval or disapproval of the special use permit, shall approve or disapprove such permit after consideration of the evaluation factors listed in (f) below. The Town Council may also consider testimony and other evidence presented by any citizen to the Council at the public hearing or at the meeting where the permit is approved or disapproved and upon information provided by town staff. The Council's decision shall be final, and the recommendation of the Planning Commission shall not bind it.
- f) The evaluation factors to be considered by the Planning Commission and Council are:
 1. The sufficiency of streets to accommodate increased traffic flow with the considered opinion of the zoning administrator, VDOT, and any certified traffic engineer being given particular weight; and
 2. The sufficiency of electrical, sewer, and water services for the proposed project; and
 3. The sufficiency of fire, police, solid waste, and other services of the town to meet the needs of the proposed project; and
 4. The adequacy of protection to adjoining properties; and
 5. The impact of the proposed project on the property values of contiguous property owners; and
 6. Whether the natural topography, natural screening, or proposed screening to be put in place by the applicant is sufficient to promote the health, safety, and general welfare of the community, to protect and conserve the value of contiguous properties, and to encourage the most appropriate use of adjacent properties; and

7. The appropriateness and reasonability of the request; and
8. Any other factor materially affecting citizens' health, safety, and general welfare.
9. This process must be re-obtained each time property ownership or use changes.

Sec. 10-5. - Conditions on Special Use Permits.

The Planning Commission may recommend, and the Town Council may require, certain conditions be placed on the special use permit deemed necessary to protect the public interest and mitigate adverse impacts on adjoining property.

- a) These conditions may include specific site improvements or restrictions, time of operation limits, duration of the permit, or other conditions related to the development of the property or operation of the activity, including that the development must conform with the submitted concept plan.
- b) As allowed by the Code of Virginia [§15.2-2309](#), the Council may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.
- c) Any conditions approved by the Town Council shall become part of the permit and shall be binding on the applicant.
- d) Special use permits are not transferrable to any successor, assigns, heirs, or new property owners.
- e) Where conditions are imposed in connection with residential special use permits in which conditions specify materials, methods of construction, or design features, the Town Council shall consider the impact of conditions on the affordability of housing, as required in the Code of Virginia [§15.2-2286](#) (3).

Sec. 10-6. - Revocation.

The Town Council has the authority to revoke a special use permit if the Council determines that there has not been compliance with the terms or conditions of the permit. No special use may be revoked except after notice and hearing as provided by [§ 15.2-2204](#) and including written notice to the permittee. However, when giving any required notice to the owners of abutting property and property immediately across the street or road from the property affected, the Council may provide such notice by first-class mail rather than registered or certified mail.

Sec. 10-7. - Commencement of construction.

Construction or operation shall commence within one year of issuance, or the special use permit shall become void.

Sec. 10-8. - Reapplication.

No reapplication for a special use permit for the same or substantially the same application shall be submitted by any party for the subject property until 12 months have elapsed from the date of denial.

Sec. 10-9 through 10-19 Reserved

DIVISION 11 - VARIANCES AND APPEALS

Sec. 11-1. - Purpose.

This section provides for a procedure for the application for a zoning variance or for an appeal of a decision of the zoning administrator, including the role and duties of the Board of Zoning Appeals as prescribed in the Code of Virginia [§ 15.2-2309](#) and a provision for an administrative modification to the regulations herein, as allowed by Code of Virginia [§15.2-2286](#).

Sec. 11-2. - Organization of the Board of Zoning Appeals

Appointments to the Board of Zoning Appeals (referred to herein as “the BZA” or the “Board”) and its membership, terms, and organization shall be in accordance with the Code of Virginia [§ 15.2-2308](#). The BZA shall adopt rules and regulations as it may consider necessary for the conduct of its business and shall keep minutes of its proceedings.

Sec. 11-3. - Powers and Duties of the Board of Zoning Appeals

The BZA, as authorized by Code of Virginia [§ 15.2-2309](#), shall have the following powers and duties:

- a) To consider applications for variances from the terms of this division provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that the application meets the standard for a variance and the criteria set out in this section.
- b) To hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of this chapter or of any ordinance adopted pursuant hereto; and
- c) To hear and decide applications for interpretation of the zoning district map where there is any uncertainty about the location of a district boundary.

Sec. 11-4. - Board of Zoning Appeals – General Procedure

The BZA shall proceed with the following regarding its meetings:

- a) Meetings of the BZA shall be held at regular meeting times or the call of the Chairman and at such other times as the Board shall determine.
- b) The Chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses
- c) All meetings shall be open to the public; and
- d) The BZA shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and

- e) The BZA shall take all evidence necessary to justify or explain its action and shall keep records of its examinations and any other official actions; and
- f) The BZA and town staff shall follow the Code of Virginia [§ 15.2- 2308.1](#) provisions regarding communications and proceedings.

Sec. 11-5. - Procedure for Variance Applications

The following shall be the procedure and criteria for consideration of variance applications:

- a) Any person, property owner, or organization may apply for a variance per rules adopted by the BZA and with all accompanying information deemed necessary, along with the established application fee.
- b) The town staff shall forward the application to the BZA and schedule a public hearing for consideration of the application with public notice as required by the Code of Virginia [§ 15.2-2204](#).
- c) Following the public hearing, the BZA shall grant a variance if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, and
 1. The property interest for which the variance is being requested was acquired in good faith, and the applicant did not create any hardship for the variance;
 2. The granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area;
 3. The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance;
 4. The granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and
 5. The relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of Code of Virginia [§ 15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of Code of Virginia [§ 15.2-2286](#) at the time of the filing of the variance application
- d) In authorizing a variance, the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

Sec. 11-6. - Procedure for Hearing Appeals

An appeal to the BZA may be taken by any person aggrieved or by any officer, department, board, or bureau of the Town affected by any decision of the Administrator or from any order, requirement, decision, or determination made by any other administrative officer in the administration or enforcement of this article, any ordinance adopted pursuant to this article, or any modification of zoning requirements in accordance with the Code of Virginia [§ 15.2-2286](#) (4) and [§13-7](#) of the Town zoning ordinance.

- a) Such an appeal shall be taken within 30 days after the decision appealed by filing with the Administrator and with the BZA a notice of appeal specifying the grounds thereof, along with an established fee for an administrative appeal
- b) The Administrator shall forthwith transmit to the BZA all the papers constituting the record upon which the action appealed was taken.
- c) All provisions of the Code of Virginia [§ 15.2-2311](#) shall be followed.
- d) The board shall fix a reasonable time for the hearing of an application or appeal, give public notice as well as due notice to the parties in interest, and make its decision within ninety (90) days of filing the application or appeal. In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from. The concurring vote of a majority of the membership of the board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under the ordinance or to effect any variance from the ordinance.

Sec. 11-7. - Procedure for Review of Decision of Board of Zoning Appeals.

Any person or persons aggrieved by any decision of the BZA, or any aggrieved taxpayer or any officer or department of the town, may file a petition with the Clerk of Circuit Court that shall be styled "In Re: [date] Decision of the Board of Zoning Appeals of the Town of Marion, Virginia" specifying the grounds on which aggrieved, within 30 days after the final decision of the BZA. The review process shall follow that prescribed by the Code of Virginia [§ 15.2-2314](#).

Sec. 11-8 through 11-15. Reserved

DIVISION 12 - CONDITIONAL ZONING

Sec. 12-1. - Purpose.

It is the purpose of this section to provide a more flexible and adaptable zoning method to cope with situations found in such zones through conditional zoning, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that is not generally applicable to the land similarly zoned, as allowed by the Code of Virginia [§15.2-2296](#). The provisions of this section shall not be used for discrimination in housing.

Sec. 12-2. - Applicability and Limitations.

A rezoning application may include and provide for the voluntary proffering in writing by the applicant of reasonable conditions in addition to the regulations provided for the zoning district by this Article, provided that:

- a) The applicant must proffer the conditions before a public hearing before the Town Council;
- b) The rezoning itself must give rise to the need for the conditions;
- c) Such conditions shall have a reasonable relation to the rezoning;
- d) Such conditions shall not include a cash contribution to the town;
- e) Such conditions shall not include a mandatory dedication of real or personal property for open space, parks, schools, fire departments, or other public facilities not otherwise provided for in Code of Virginia, [§15.2-2241](#), as amended, repealed, reenacted, or re-codified from time to time;
- f) The conditions shall not include a requirement that the applicant create a property owners' association Code of Virginia, [§55.1-1801](#), which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in [§15.2-2241](#); however, such facilities shall not include sidewalks, unique street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation;
- g) Such conditions shall not include payment for or construction of off-site improvements except those provided for in Code of Virginia, [§15.2-2241](#) as amended, repealed, reenacted, or re-codified from time to time;
- h) No condition shall be proffered that is not related to the physical development or physical operation of the property; and
- i) All such conditions shall conform with the comprehensive plan for the town as defined in Code of Virginia [§15.2-2223](#); and
- j) All such conditions shall meet the requirements of the Code of Virginia [§15.2-2297](#) as amended, repealed, reenacted, or re-codified from time to time.

Sec. 12-3. - Enforcement of Conditions

The zoning administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to a rezoning, including:

- a) The ordering in writing of the remedy of any non-compliance with such conditions;
- b) The bringing of legal action to ensure compliance with such conditions, including injunction, abatement, or other appropriate action or proceeding; and
- c) Requiring a guarantee, satisfactory to the Town Council, in an amount sufficient for and

conditioned upon the construction of any physical improvements required by the conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee shall be reduced or released by the town council, or agent thereof, upon the submission of satisfactory evidence that construction of such improvements has been completed in whole or in part.

Sec. 12-4. - Records.

The zoning map shall show, by an appropriate symbol on the map, the existence of conditions attaching to the zoning on the map. The zoning administrator shall keep a conditional zoning index in his or her office and make it available for public inspection. The index shall provide ready access to the ordinance-creating conditions and regulations in a particular zoning district or zone.

Sec. 12-5. - Petition for Review of Decision.

Any zoning applicant or any other person who is aggrieved by a decision of the zoning administrator made pursuant to the provisions of [§12-3](#) may petition the Town Council for review of the decision of the zoning administrator as provided in the Code of Virginia Section [§15.2-2301](#).

Sec. 12-6. - Amendments.

There shall be no amendment or variation of conditions created pursuant to the provisions of this division until after a public hearing before the Town Council advertised in accordance with the provisions of Code of Virginia, [§15.2-2204](#), as amended, repealed, reenacted, or re-codified from time to time.

Sec. 12-7 through 12-12. Reserved

DIVISION 13 - ADMINISTRATION AND ENFORCEMENT

Sec. 13-1. - Purpose

This division provides for the administration and enforcement of this Section and procedure for administrative modifications as allowed by the Code of Virginia [§15.2-2286](#) (4).

Sec. 13-2. - Enforcing Officer

The Zoning Administrator shall administer and enforce this Section. The duties of the zoning administrator shall include receiving rezoning applications and serving as staff for the Planning Commission, the Board of Zoning Appeals, and the Town Council on zoning matters before each entity. The Town Manager may designate another staff person to serve as zoning administrator under the direction of the Zoning Director. The administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance, including:

- a) Ordering in writing the remedying of any condition found in violation of the ordinance;

- b) Insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to [§15.2-2311](#);
- c) In specific cases, making findings of fact and, with the concurrence of the town attorney, conclusions of law regarding determinations of rights accruing under [§15.2-2307](#) or subsection C of [§15.2-2311](#).
- d) Accepting applications for administrative modifications and making determinations as allowed by the Code of VA [§15.2-2286](#) (4) and as described in [§13-7](#) of the Town zoning ordinance.

Sec. 13-3. - Enforcement Procedure

Upon becoming aware of any violation of the provisions of this chapter, the Zoning department may issue a written notice of such violation to the person committing or permitting the violations with the following stipulations:

- a) Notice shall be mailed by registered or certified mail or hand-delivered.
- b) The notice of violation shall state the nature of the violation, the date that it was observed, the remedy or remedies necessary to correct the violation, and a reasonable period for the correction of the violation.
- c) Every written notice of violation of the Zoning department shall include a statement informing the recipient that he or she may have a right to appeal the notice of zoning violation or written order within 30 days in accordance with this section. The decision shall be final and unappeasable unless appealed within 30 days.
- d) If the recipient chooses to appeal, an appeal fee shall be submitted as established by the Town Council-adopted fee schedule.
- e) Appeals shall be heard by the Board of Zoning Appeals in accordance with the procedures outlined in [Division 11](#) of this chapter.

Sec. 13-4. - Inspection Warrants

The zoning administrator or his agent may make an affidavit under oath before a magistrate or circuit court, and if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court issue the zoning administrator or agent an inspection warrant to enter and inspect the subject dwelling. The zoning administrator or his agents shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling before seeking an inspection warrant issuance.

Sec. 13-5. - Penalties

Violations of any portion of this Article shall be subject to penalties as described in [§§ 15.2-2209](#) and [15.2-2286](#), as well as any other applicable section of the Code of Virginia.

- a) The following shall be subject to penalties: The owner or general agent of a building or premises where a violation of any provision of this article has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee, or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor, or any person who commits, takes part or assists in any such violation or who maintains any building or premises in which any violation shall exist.
- b) Upon becoming aware of any violation of the provisions of this chapter, the Administrator may proceed to issue a civil summons
- c) Any person summoned or issued a notice of violation may make an appearance in person or in writing by mail to the Zoning administrator before the date set for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the established penalty after first agreeing in writing to abate or remedy the violation within a specified timeframe. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a court judgment.
- d) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law.
- e) Any such violation of this chapter shall be a misdemeanor subject to the maximum fines allowed by [§ 15.2-2209](#) of the Code of Virginia.
- f) The violation may be prosecuted as a criminal misdemeanor as allowed by the Code of Virginia in cases of injury to persons and when civil penalties total \$5,000 or more.
- g) If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with this chapter within the court's established period. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate offense punishable by an additional civil fine and any other penalties as ordered by the court.

Sec. 13-6. - Remedies

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of this article, the building code official, town attorney, maintenance official, or other appropriate authority of the town, or any adjacent or neighboring property owner who would be significantly damaged by such violation may, in addition to other remedies, institute an injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

Sec. 13-7. - Administrative Modifications

The zoning administrator is authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location, or features of or related to any building, structure, or improvements. Administrative modifications shall not be granted for outdoor advertising.

- a) The administrator shall find in writing that:
 - 1. The strict application of the ordinance would produce undue hardship; and
 - 2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - 3. The authorization of the modification will not be of substantial detriment to adjacent property, and the character of the zoning district will not be changed by granting the modification.
- b) Before granting a modification, the zoning administrator shall give all adjoining property owners written notice of the request for modification and an opportunity to respond to the request within 21 days of the date of the notice. If an adjoining owner, duly notified, objects to the granting of the modification, the zoning administrator may:
 - 1. Suggest an altered modification request from the applicant to accommodate the adjoining owner; and/or
 - 2. Determine that the modification is warranted despite the received objection and grant the modification, notifying the adjoining owner of the decision and the availability of the appeal process; and/or
 - 3. Determine that the received objection is valid, and if no accommodation may be made on the applicant's part to satisfy the adjoining owner, require the applicant to apply for a formal variance as provided by Virginia Code [§ 15.2- 2309](#).
- c) The zoning administrator shall inform the planning commission of any pending applications for modification before approval, allowing individual members of the commission to provide written comments to the zoning administrator for his/her consideration.
- d) The zoning administrator shall decide on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this section. The zoning administrator's decision shall constitute a decision within the purview of Virginia Code [§ 15.2-2311](#). It may be appealed to the board of zoning appeals as provided by that section. The applicant shall bear the cost for any such appeal, including but not limited to application and advertising fees. However, if the filed appeal is successful,

the town may reimburse those costs approved by the town council. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by Virginia Code [§ 15.2-2314](#).

- e) The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period.

Sec. 13-8 through 13-15 Reserved

DIVISION 14. - SUPPLEMENTAL REGULATIONS

Sec. 14-1. - Residential Uses in Business and Industrial Zones.

- (a) Dwelling units are allowed in all commercial districts, provided they are above the first floor of the business and as a secondary use.

Sec. 14-2. - Agricultural Uses on Residential Property

- (a) Backyard chickens may be permitted as an accessory use on single-family residential lots in residential districts, provided the following conditions are met:
 - 1) No more than six (6) hens are allowed, and no roosters are allowed;
 - 2) Chickens shall be kept inside an enclosed shelter and fenced pen with the following specifications
 - a. A covered, predator-proof shelter that is thoroughly ventilated, provides sun, shade, and protection from the elements, and is at least five (5) square feet per chicken in size;
 - b. An attached pen enclosed at all times and on all sides and the top with a strong fence of mesh wire, and providing at least ten (10) square feet per chicken;
 - 3) Both shelters and pens must always be kept neat and sanitary. No person shall store, stockpile, or permit any accumulation of chicken litter and waste in any manner whatsoever that, due to odor, the attraction of flies and other pests, or for any other reason, diminishes the rights of adjacent property owners to enjoy reasonable use of their property;
 - 4) The structure shall be located behind the plane of the rear wall of the residence;
 - 5) The structure must be located as far away from any adjoining property lines as possible;
 - 6) There shall be no slaughter of chickens or sales of poultry or eggs at the site;
 - 7) All feed must be stored in an impenetrable container to prevent the attraction of rodents and other animals;

- 8) An annual permit and fee must be obtained from the town. The applicant must be the property owner or have written permission from the property owner to keep chickens on the property.
- (b) The keeping of honeybees may be permitted as an accessory use on single-family residential lots, provided the following conditions are met:
- 1) A minimum lot size of 7,500 square feet is required for up to two (2) hives; a minimum lot size of 10,000 square feet is required for up to three (3) hives; and a minimum lot size of 14,000 is required for up to a maximum of four (4) hives. No hives are permitted on any lot less than 7,500 square feet.
 - 2) There shall be at least one adequate and accessible water source provided on-site exclusively for the hives and shall be located within twenty (20) feet of all hives. A natural stream, pond, or spring may constitute an adequate source.
 - 3) The hives shall be located in the rear yard of the residence and at a minimum of twenty-five (25) feet from any side or rear property line.
 - 4) If the landing platform of a hive faces and is within fifty (50) feet of any lot or property line, there shall be a flight path barrier consisting of a fence, structure, or evergreen shrubs not less than six (6) feet in height, located in front of and shielding of the hive or set of hives.
 - 5) Honey bees must be acquired and hives constructed and maintained in accordance with [Title 3.2, Chapter 44](#) of the Code of Virginia.
 - 6) An annual permit and fee must be obtained from the town. The applicant must be the property owner or have written permission from the property owner to keep bees on the property.

Sec. 14-3. - Temporary Uses

(a) ***Mobile food vending units.*** Mobile food vending units are allowed on property zoned either commercial, medical, or industrial (C-G, C-D, C-L, M-A, and I-G) provided a town temporary use permit, as defined in [§ 9-3\(88\)](#), is obtained and the following requirements are met:

1. The operator shall have a current permit from the Virginia Department of Health for a mobile food vending unit;
2. The operator shall have a current town business license;
3. If the operator is not the property owner where the unit will be located, written permission from the property owner must be provided;

4. The unit cannot be located in the public right-of-way, in loading zones or fire access zones, or consume otherwise necessary parking spaces; The unit shall not block sight distance or create a hazardous traffic situation;
5. The unit shall not remain stationary on the property overnight other than at the location where it is being stored and serviced when not in operation.
6. The mobile unit shall not be permanently placed on the property, and no permanent structure shall be attached to the mobile unit;
7. Any signage shall be securely attached to the mobile food unit;
8. There shall be a minimum buffer of 100 feet between the mobile vending unit and any primary residential structure;
9. As part of the review process for an application for a temporary use permit, the zoning administrator may consider certain site conditions, such as, but not limited to, the size and condition of the parking area and the safety of ingress and egress.

(b) ***Temporary, seasonal sales.*** Temporary, seasonal retail sales activity, as defined in [§ 9-1](#), is allowed on property that is zoned commercial (C-G, C-D, C-L) provided a town temporary use permit is obtained and the sales activity meets the following requirements:

1. The operator of the sales activity shall have a current business license;
2. If the operator is not the property owner, written permission from the property owner must be provided;
3. None of the sales activity shall block sight distance or create a hazardous traffic situation;
4. The duration of the outdoor sales activity shall be restricted to no more than 30 days. An extension of time may be allowed if approved by the planning commission.
5. Unless excluded from the definition of "temporary, seasonal sales" in [§ 9-1](#), temporary outdoor retail sales of products that are not agricultural or horticultural in nature are not allowed.

(c) ***Portable temporary storage containers.*** Portable temporary storage containers are allowed in any zoning district provided that the following requirements are met:

1. The container shall be temporary for up to 30 days unless approved by the zoning administrator or otherwise specified in this ordinance.
2. A temporary zoning permit is required.
3. The container shall not be placed on any lot that does not contain an existing principal building or a principal building under construction and shall only be permitted as an

accessory use to the principal use of the lot on which such container is located;

4. A portable temporary storage container will only be allowed for construction, both new structures and remodeling, fire damages to the principal structure, or relocation.

5. No container shall be placed in the public right-of-way;

6. The container shall not be connected to utilities.

7. The vertical stacking of portable storage containers and the stacking of any other materials or merchandise on top of any storage container shall be prohibited;

8. Only one storage container will be allowed on a lot or lots contiguously owned. The container's location shall meet the required front yard setback area for the zoning district to the greatest extent possible, and the container shall be at least ten feet from the side and rear property lines or in a private driveway. If these conditions cannot be met, then approval from the zoning administrator is required.

9. On non-residential properties, more than one portable storage container may be allowed on a lot. The location of any container shall be in the side or rear yard of the structure and at least ten feet to any side or rear property line. A temporary use permit is required, and the unit must meet other requirements in this section. Placing multiple storage containers on the lot is subject to the site plan review process for stormwater and to ensure that no sight lines are shielded from public view and traffic.

10. No portable storage container shall be located on or block access to a required parking space, public sidewalk, circulation aisle, or fire access lane or cause a visual obstruction to pedestrians or motor vehicles leaving or entering the property.

11. A temporary use permit may be renewed for one additional period of time with approval from the planning commission.

- (d) **Permit and fees.** Temporary uses specified in (a), (b), and (c), unless specifically exempted, require a temporary use permit to be issued by the zoning administrator. The town may revoke a temporary use permit if the conditions of the temporary permit are violated. The permit may be accompanied by a fee as provided in the appendix of this ordinance.

Sec. 14-4. - Recreational Vehicles

(a) Only one recreational vehicle, camper, or travel trailer shall be allowed on the same lots contiguously owned by the same owner of the primary structure.

(b) No person shall park any recreational vehicle on any street, alley, highway, or other public place or any tract of land owned by any person except for emergency or temporary stopping or parking for not longer than one (1) hour, subject to any other and further prohibitions, regulations, or limitations imposed by traffic and parking regulations or ordinance for that street, alley, or highway.

(c) No person shall park and occupy any recreational vehicle on the premises of any occupied or unoccupied building or any vacant lot or tract of land, except the parking of only one unoccupied recreational vehicle in an accessory private garage building or a rear yard in any district when such recreational vehicle is located at least 10 feet from any property line, or in a private driveway, provided no living quarters shall be maintained or any business conducted in said recreational vehicle while such unit is parked or stored.

(d) With a temporary permit issued by the zoning administrator for a period of 30 days, you may be allowed to park a recreational vehicle, travel trailer, or camper on the property you own and stay in it if you, or a contractor that the property owner permits to, is rehabilitating the residence. This provision will only be allowed if the recreational vehicle, travel trailer, or camper is connected to sanitary sewer via a sewer cleanout, town water, and shore power.

(e) Under special circumstances, such as fire, flood, or wind damage, it is deemed unsafe to remain inside your residence. The residence owner can request a special use permit to reside inside their recreational vehicle, travel trailer, or camper for a period not to exceed 18 months. However, construction must be started within 30 days after the special use permit is granted, and all conditions in section (d) above must be met.

Sec. 14-5. - Adult Uses

(a) ***Intent.*** Because of their very nature, adult uses, defined in [§9-3](#), are recognized as having serious objectionable operational characteristics, particularly in residential neighborhoods. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. These special regulations are itemized in this section. The primary control or regulation is to prevent the concentration or location of these uses in a manner that would create such adverse effects. Uses subject to these controls are as follows:

1. Adult bookstore, video store, or retail store.
2. Adult movie theater
3. Adult model studio
4. Adult nightclub, cabaret, or similar establishment
5. Adult massage parlor

(b) These uses shall only be allowed in C-G zoning districts with a special use permit.

(c) No adult use may be established within 1,000 feet of any other such adult use in any zoning district.

(d) No adult use may be established within 750 feet of a residentially zoned district (R-1, R-2, R-3, R-4, or PUD), nor within 750 feet of any property used for residential purposes or occupied by a church or other place of worship, public library, public or private school, educational institution, public park, playground, playfield, short-term residential rental properties, child or adult day care center, hotel, or motel.

- (e) The establishment of an adult use as referred to herein shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion, in whole or in part, of an existing business to any adult use.
- (f) All distances specified in this division shall be measured from the property line of one use to another. The distance between adult use and a residentially zoned district shall be measured from the property line of the use to the nearest point of the boundary line of the residentially zoned district.

Secs. 14 - 6 Through 14 -10 Reserved.

DIVISION 15. - SIGNS

Sec. 15-1. - Purpose

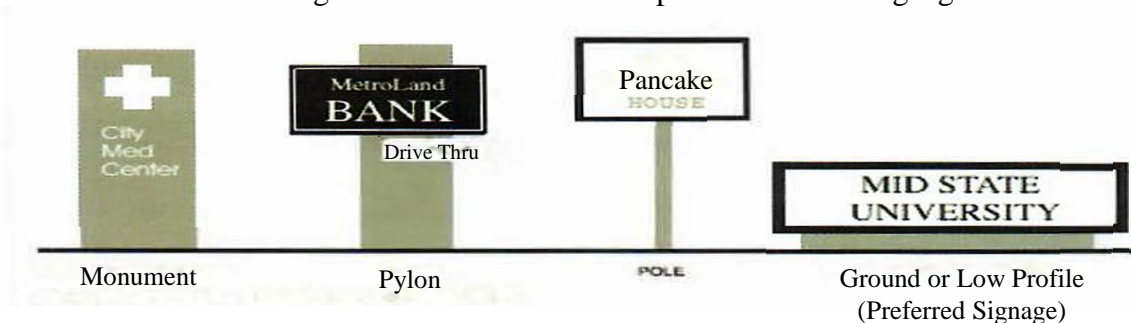
The purpose of the division is to:

- (a) Ensure that businesses, individuals, and institutions have a reasonable opportunity to use signs as an effective means of communication;
- (b) Preserve property values;
- (c) Enhance the physical appearance of the town and/or the natural scenic beauty;
- (d) Reduce distractions, obstructions, and hazards to pedestrian and vehicular traffic;
- (e) Promote and protect town residents' and visitors' health, safety, and welfare.

Sec. 15-2. - Town of Marion Allowed Signage

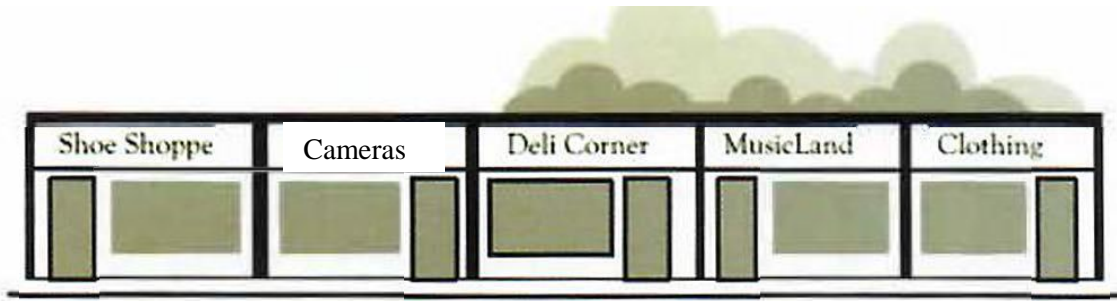
The following types of signage will be allowed in Marion, Va.

1. **Freestanding Signage:** any sign (i.e., pylon, monument, pole-mounted, etc.) supported by structures or supports that are anchored in the ground and that are independent of any building or other structure. Examples of freestanding signs allowed:



2. **Wall Mounted or Fascia Signs:** A building-mounted sign or lettering attached to,

displayed or painted on an exterior wall in a manner parallel to the wall surface and not projecting more than 18 inches from such a surface. Examples:



3. **Projecting Signs:** A sign other than a wall sign that is attached to or projects perpendicular to a building and more than 18 inches from a building's face, wall, or structure. Examples:



4. **Awning / Canopy (Attached):** An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable. The wall will also support a canopy (attached) sign as well as other structures further away from the building. These signs may be internal or externally illuminated.



Awning Signs



Canopy (Attached) sign

5. **Marquee Sign:** A projecting, covered structure over the entrance of a theater that displays what is being featured at the theater. The marquee sign could also display community or emergency events as a point of public information. This type of signage may be referred to the Marion Town Council for appropriateness before final approval. The Marion Town Council may refer it to the Marion Planning Commission for discussion prior to making a final decision.



Marquee Sign

6. **Canopy (Free-standing):** A multisided overhead structure supported by columns but not enclosed by walls. The surface(s) and or soffit of a free-standing canopy may be illuminated using internal or external sources of light.



7. **Window Signs:** A sign affixed to the surface of a window with its message intended to be visible to and readable from the public way or adjacent property.
8. **Banner / Banner Sign:** A sign in which a flexible substrate is used to display graphics.
9. **Neighborhood Sign:** A free-standing sign located at the entrance to a residential development.
10. **Temporary Sign:** A sign not permanently affixed to the ground or another structure. One designed or intended, based on materials and structural components, to be displayed for a specified or limited period, regardless of the type or style of the sign. Examples include, but are not limited to, real estate signs, yard sale signs, contractor's signs, and special or one-time event signs per year, flutter or feather flags, air or wind-operated signs.
11. **Directional Sign:** A wall or freestanding sign not exceeding three (3) square feet in area, and not exceeding four feet in height, providing information, either written or visual, that helps direct the public to a destination.
12. **Miscellaneous Signs:** Any other signage not mentioned in the section deemed appropriate and approved by the Marion Town Council. The Miscellaneous sign may be referred to Marion planning commission for further discussion.
13. **Commercial Gain:** Refers to the area on any signage where any picture, text, or illustration is used to draw attention to your business will be considered the "commercial gain" area. These areas will be added to the allowable sq. ft. requirements.



This area will be calculated and included in the max. allowable sq. ft. This is the "commercial gain" area.

Sec. 15-3. - Permit Required

1. Unless provided in §15-4 below, all persons erecting, changing, installing, or placing signs must obtain a sign permit first. Changing wording or sign facing on an existing sign or painting, cleaning, or other routine maintenance, not including a structural change to the sign, does not require a sign permit.

- (a) A sign permit shall become null and void if any sign for which the permit was issued is not installed in accordance with the permit within (6) six-months of approval.
- (b) If construction cannot be completed within (6) six months, upon a written request and for a good cause is shown, the zoning administrator may grant an additional (3) month extension.
- (c) The zoning administrator shall issue no permit except upon a determination that a proposed sign conforms with the requirements of this article and, where applicable, in conformity with the requirements of an approved site plan for the property upon which the sign is to be placed. Appeals from decisions of the administrator shall be taken to the Town's board of zoning appeals.
- (d) Whenever the specific business discontinues the use of a building or land, the sign permit shall expire, and all signs pertaining to that business shall be removed by the property owner within 30 calendar days of the discontinuance.

2. An application for such a permit shall:

- (a) Specify the type of sign to be constructed, as specified in [§15.2](#) above, and the zoning district in which this sign is to be located.
- (b) Be accompanied with plans, including a sketch of the property indicating the store frontage along with a superimposed photo of the desired sign in the location it is to be placed.
- (c) If applying for a multi-tenant sign, applications shall include a sketch of the property indicating lot frontage of the development along with a superimposed photo of the desired sign in the location where it is to be placed.
- (d) Indicate the square footage and location of all existing signs for the entity requesting the sign.
- (e) The area, size, structure, design, location, lighting, and materials for the sign.

3. Fee Required

- (a) Applications for sign permits shall be submitted to the administrator and shall be accompanied by the required fee, as provided in the appendix of this ordinance.

Sec. 15-4. - Exceptions

The following signs, if securely attached to real property and adequately maintained, are exempted from the requirement for a permit in [§15-3](#) and from the provisions of this division unless otherwise regulated:

- (a) Historical markers authorized by the appropriate authorities;
- (b) Highway markers, traffic control signs, and street signs;
- (c) Public directional signs;
- (d) Displays of public art that do not display a commercial message;
- (e) Signs on the inside of ballpark or stadium field fences or displayed inside other large sports or entertainment venues, including scoreboards;
- (f) Public notices or other temporary signs if authorized by the Town Manager.
- (g) Temporary signs, as defined and regulated in [§16-1](#).
- (h) Flags and insignia of the United States of America, Commonwealth of Virginia, Town of Marion or other official flags displayed for non-commercial purposes;
- (i) Signs displayed inside a building, including those temporarily attached to windows;
- (j) Banners, as defined in [§16-1](#), are subject to town policy and authorization.

Sec. 15-5. - Prohibited Signs

- (a) Signs that may be confused with traffic signs or signals, including those implying a requirement to stop or the existence of danger, or which imitate official highway signs or traffic signals with red, green, or amber lights or reflectorized material;
- (b) Any sign that obstructs sight distance of twenty-five (25) feet for motorists or pedestrians along either approach of an entrance to any street right of way, including entrances from private and public parking lots, as determined by the current industry standards or evaluation by the Town Engineering, zoning, or public works department.
- (c) Signs with intermittent or flashing lights, loud noises, or movable objects; Marquee signs for Theaters are exempt.
- (d) Signs that advertise activities that are illegal or the location of such activities;
- (e) Signs that are otherwise prohibited by this article, as amended, or applicable regulations

adopted by the state Department of Transportation;

- (f) Signs with lighting of such intensity, brightness, or glare that it impairs the vision of any driver or otherwise interferes with that driver's operation of a motor vehicle;
- (g) Banner signs stretched across the width of a street, highway, or alley, except when such sign is attached to standards erected and owned by the town and is duly authorized by the town and subject to town policies;
- (h) Signs attached to any public utility pole or street light or located in any part of a public right-of-way unless approved and erected by the town, except temporary A-frame signs as regulated in [§16-1](#).
- (i) Signs that are non-permanent in nature and made of plastic, paper, cloth, cardboard, or similar material and are mounted on a wire frame, metal, wooden, or plastic stakes, and easily placed in the ground or attached to a wall or fence, except those that meet the requirements of [§16-1](#) for Temporary Signs.
- (j) Off-premises signs as defined in [§16-1](#).
- (k) Any sign representing or depicting specified sexual activities or specified anatomical areas or sexually oriented goods. Any sign containing obscene text or pictures, as defined by Virginia Code.
- (l) Streamers consisting of individual triangular-shaped flags used to draw attention to a business.

Sec. 15-6. - General

1. Standards.

- (a) Any sign displayed in the Town of Marion shall comply with the following:
 - 1. All provisions of this article;
 - 2. All applicable provisions of the Uniform Statewide Building Code and all amendments thereto.
 - 3. All state and federal regulations pertaining to the display of signage.
 - 4. All signs must be installed by a licensed contractor with a current Town of Marion Business license.
 - 5. All signs utilizing electricity must be UL-approved.
 - 6. If the zoning administrator determines that any sign or other advertising structure regulated by this section, located on private property, is unsafe or has been constructed, erected, or is being maintained in violation of the provisions of this ordinance, the zoning administrator will notify the owner in writing. The owner must immediately remove or repair the sign or structure to bring it into compliance to make it safe. If the owner fails to remove or repair the sign or structure within fifteen

(15) days after the notice, the zoning administrator may cause the sign or structure to be removed or restored to make it safe at the expense of the permittee or owner.

7. Sign and structure plans, along with superimposed photos of proposed signage and locations where they are being placed, may be taken to the Marion Town Council for final approval. The council may refer it to the Marion Planning Commission for further discussion if appropriateness is in question by the zoning administrator.

2. Sign calculations.

(a) The following method shall be utilized in the calculations of sign area:

1. The sign area permitted under this article is determined by measuring the sign's entire face or advertising area, excluding the sign structure. However, signs with decorative frames that extend six (6) inches past the advertising area will be included in the calculations.
2. For signs that are regular polygons or circles, the area shall be calculated by the mathematical formula for that polygon or circle. For signs that are not regular polygons or circles, the sign area shall be calculated using the area within up to three rectangles that enclose the sign face.
3. The surface area of any sign made up only of individual letters or figures shall include the space between such letters or figures.
4. Whenever one sign contains information on both sides, such as a projecting sign, then the sign area shall be calculated based on a single side.

Sec. 15-7. - Minimum Setback

Unless otherwise specified, the minimum setback from any right-of-way is one-quarter (1/4) the height of the sign. At no time can any portion of the sign overhang the right-of-way, sidewalks or block any sight distances for traffic or pedestrians. For example, if your sign is 40 feet tall, then $40 \text{ feet} \times .25 = 10 \text{ feet}$. Your 40-foot tall sign would have a setback of 10 feet. However, no part of any sign shall overhang any street right of way.

Sec. 15-8. - Freestanding Signs

The following standards shall apply to the number, location, and type of freestanding, non-residential signs permitted within the town.

(a) ***Pole signs.***

1. Pole signs shall only be allowed in the interstate advertising corridor, as defined in [§16-1](#), and if designed to be visible to Interstate traffic.
2. All other freestanding signage designed to be supported by poles must have a decorative skirting surrounding the supporting pole that blends with the surrounding environment.
3. Such signs shall comply with the area and height requirements in the free-standing sign allowances in the tables below.

4. No land zoned for residential use shall be permitted a freestanding pole sign, and no pole sign shall be allowed within 100 feet of a school property line.
5. In no case shall any parcel of land be permitted more than one pole sign.
6. Pole signs shall meet the district's setback restrictions. However, no part of the sign shall overhang any portion of any right-of-way.
7. The maximum height for a pole sign cannot exceed 100' within the interstate advertising corridor.
8. Pole signs shall be allowed in C-G, C-L, I-G, REC, M-AGEN, M-AEDU, and M-ABS provided that the height of the sign does not exceed the height of the primary structure or 25' (feet), whichever is less.
9. Pole signs are not allowed in the C-D district.
10. All freestanding pole signs shall be maintained and in good repair. If notice is given that a freestanding pole sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

(b) ***Ground-mounted / Low Profile monument signs. (Preferred signage)***

1. Except pole signs as allowed in [\(a\) above](#), all freestanding signs in the town shall be a ground-mounted / low-profile monument or post signs and shall conform to the area requirements in the tables below.
2. If supported by a pole or post, then it must have a decorative skirting surrounding the supporting structure that blends with the surrounding environment.
3. Establishments outside a multi-tenant development are permitted one ground-mounted / low-profile monument sign per store frontage. However, depending on the circumstances and appropriateness, an additional ground-mounted / low-profile sign may be allowed if the business fronts on more than one street, has multiple entrances, and is approved by the Marion Town Council. Council may refer it to the Marion Planning Commission for further discussion.
4. Ground-mounted / low-profile monument signs shall not exceed ten (10) feet in height as measured from adjacent grades if being used as a multi-tenant development.
5. Ground-mounted / low-profile monument signs shall not exceed six (6) feet in height as measured from adjacent grade if being used in C-G, M-AGEN, M-AEDU, M-ABS, I-G, C-D, C-L, and REC.

6. Ground-mounted / low-profile monument signs shall have a minimum setback of ten (10) feet as measured from any property line. However, no part of any sign shall overhang any street right-of-way or block any lines of sight of motorists and pedestrians.
7. Construction of all ground-mounted monument signs shall comply with the Uniform Statewide Building Code of Virginia.
8. All ground-mounted / low-profile signs shall be maintained and in good repair. If notice is given that a freestanding pole sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

(c) ***Multi-tenant signs***

1. Free-standing multi-tenant signs shall be permitted in the C-G, M-AGEN, M-AEDU, M-ABS, and I-G zoning districts.
2. Such signs shall not exceed the height of the primary structure except within the interstate advertisement corridor, which has a maximum of 100' limit. It shall be no more than 400 square feet of total sign area, excluding sign structure. Signs that require more square footage may be permitted if deemed appropriate and approved by the Marion Town Council. Council may refer it to the Marion Planning Commission for further discussion.
3. Multi-tenant signs could be subject to a minimum setback of twenty (20) feet as measured from any property line if deemed appropriate by the zoning administrator. Nevertheless, all multi-tenant signs must meet the minimum setback described in [§15-6](#) above. No portion of the sign shall overhang any street or right of way and shall not be permitted within 100 feet of any school property line, nor shall they block any sight distance of motorists and pedestrians.
4. Multi-tenant businesses will be allowed three (3) additional signs for identification, and the sign's area will be based upon the linear footage of each store frontage.
5. Multi-tenant properties within the interstate advertisement corridor may construct a pole sign pursuant to the freestanding pole sign described in [\(a\) above](#).
6. Multi-tenant signs constructed within the interstate advertisement corridor shall not exceed 100' (feet) in height as measured from ground level.
7. In Multi-tenant developments, store frontages will be determined by the linear footage from the center of one common wall to the center of the opposite common wall for individual identification signage.
8. In all commercial developments where more than one business exists under two or more attached rooflines, the only permitted freestanding sign shall be a multi-tenant sign along

the road frontages near the development's entrance. No other freestanding sign will be allowed.

9. All multi-tenant signs shall be maintained and in good repair. If notice is given that a multi-tenant sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-9. - Wall Mounted and Fascia Signs

The following standards shall apply to wall-mounted and fascia signs permitted in town.

1. For a wall sign, the sign face is the area within the sign structure. The allowable square footage is determined by the commercial message located within the structure. Decorative cabinets and frames are only included in the square footage calculations if it extends six inches beyond the commercial message face; however, no part of the sign shall be taller than the building.
2. Wall signs may be non-illuminated, internally illuminated, or indirectly illuminated. However, if they are internally illuminated, they must be UL-approved.
3. Wall and fascia signs must be anchored to the wall or building utilizing the methods corresponding to the Virginia Uniform Statewide Building Codes.
5. Tenant spaces that are part of a multi-tenant area are allowed three (3) additional signs for identification that faces the internal parking lot. However, if the back of the business fronts on the street, the business can also put an additional wall sign on the street-facing side as long as they don't exceed the allowable square footage or if deemed appropriate and approved by Marion Town Council. Town Council may refer it to the Marion Planning Commission for further discussion.
6. The square footage of individual lettering attached to a wall shall be calculated using rectangles, including the spacing between the lettering.
7. All wall-mounted signs must maintain sufficient clearance above sidewalks and pedestrian accessible areas if projecting more than 4 inches from the face of the building.
8. All wall signs must maintain open wall space on both sides of the sign so that multiple wall signs don't appear cluttered.
9. All wall and fascia signs shall be maintained and in good repair. If notice is given that a wall or fascia sign needs repair; then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec 15-10. - Projecting Signs

The following standards shall apply to projecting signs permitted in town.

1. All projecting signs shall be eight (8) feet above ground level.
2. Projecting signs must be at least thirty (30) feet apart—only one (1) projecting sign allowed per store frontage.
3. Projecting signs must be oriented for pedestrian traffic passing on the sidewalk in front of buildings.
4. Projecting signs must not extend more than four (4) feet beyond the building face.
5. Projecting signs must not exceed nine (9) square feet.
6. Projecting signs must be anchored to the building utilizing the methods corresponding to the Virginia Uniform Statewide Building Codes.
7. Projecting signs can be internally or indirectly illuminated. Signs that use blinking or flashing lights are prohibited. If internally illuminated, the projecting sign must be UL approved.
8. Projecting signs can only be mounted on the building at the height needed to maintain eight (8) foot clearance to the lowest part of the sign.
9. All projecting signs shall be maintained and in good repair. If notice is given that a projecting sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-11. - Awning, Canopy, and Marquee Signs

The following standards shall apply to awning, canopy, and marquee signs permitted in town.

1. Awning Signs

- a. Awning Signs must maintain a minimum of eight (8) feet clearance from ground level, including awning valances drop length.
- b. Only one (1) awning sign is allowed per storefront.
- c. Awning Signs must be anchored to the building utilizing the methods

corresponding to the Virginia Uniform Statewide Building Codes.

- d. Standard residential aluminum awnings are not allowed. Awnings must be composed of non-combustible acrylic fabric.
- e. Square footage calculations for the signage portion of awnings shall be calculated from the commercial gain area of the awning.
- f. Awnings must not extend more than four (4) feet from the building face.
- g. Awnings must be indirectly illuminated; internally lit or backlit graphics are not permitted.
- h. Awning commercial gain messages can be up to 50% of the length of the awning; however, the commercial gain messages shall be deducted from the total allowable signage square footage allowed. For example, if the awning length is ten (10) feet long; the commercial gain message may be five (5) feet of that length.
- i. All awnings shall be maintained and in good repair. If notice is given that an awning needs repair; repairs must be completed within 30 days, or the awning must be removed for the health, safety, and welfare of the citizens of Marion.
- j. Marquee signs, as shown in illustration [15-2 \(5\)](#), shall only be allowed for theaters.

2. Canopy Sign

- a. Canopy Signs must maintain a minimum of eight (8) feet clearance from ground level.
- b. Only one (1) canopy sign is allowed per storefront.
- c. Canopy Signs must be anchored to the building utilizing the methods corresponding to the Virginia Uniform Statewide Building Codes.
- d. Square footage calculations for the signage portion of canopies shall be calculated from the commercial gain area.
- e. Canopies must not extend more than four (4) feet from the building face.
- f. Canopies can be indirectly illuminated, internally illuminated, or backlit. However, the sign must be UL-approved if internally illuminated or backlit.

- g. Canopy signs that use blinking or flashing lights are prohibited.
- h. If the sign is a canopy (attached) sign, the supporting structures must meet current setbacks for the district in which it is located.
- i. All canopy signs shall be maintained and in good repair. If notice is given that a canopy sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-12. - Canopy (Freestanding)

The following standards shall apply to freestanding canopies permitted in town.

- a. Freestanding canopies must meet all setbacks in the district in which they are located.
- b. All freestanding canopy signs must meet Virginia Uniform Statewide Building Codes.
- c. If fuel is being dispensed under the freestanding canopy, the height minimum is 13 feet 6 inches measured from the finished grade, except where the state or federal law requires a higher clearance, and all sides must be unobstructed.
- d. Signage on the freestanding canopy can be internally illuminated if UL approved.
- e. Freestanding canopies lighting must not create excess glare to motorists.
- f. Signage on the support structures of a freestanding canopy is prohibited.
- g. Freestanding canopies not used to dispense gasoline shall be a minimum of eight (8) feet clearance.
- h. The commercial gain area of the freestanding canopy sign shall be deducted from the total allowable square footage allowed.
- i. All freestanding canopy signs shall be maintained and in good repair. If notice is given that a freestanding canopy sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-13. - Window Signs

The following standards shall apply to window signs permitted in town.

- a. All window signage must be affixed to the inside portion of the window.
- b. Painted or stenciled window signage will be permitted on the outside of the window as long as the paint or stencils are resistant to moisture and do not run. Once a painted or stenciled window sign starts to deteriorate, the sign must be removed or touched up to correct the weather-related damage to the sign.
- c. All window signs for commercial gain shall be included in the total allowable square footage for businesses.
- d. For the health, safety, and welfare of the public in Marion, at no time shall a window sign be allowed to block clear vision from the outside of a business to the inside.
- e. Window signs are permitted up to 25% of the area of a window. It may be increased to 50% if deemed appropriate and approved by Marion Town Council. Town Council may refer it to the Marion Planning Commission for further discussion.
- f. For all home occupations, window or wall signage will be allowed. A sign permit is necessary. All signage must be approved by the zoning administrator and, appropriate for the residential area, and may not disrupt the nature of the residential area.
- g. All window signs shall be maintained and in good repair. If notice is given that a window sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-14. - Temporary Signs

The following standards shall apply to temporary signs permitted in town.

- a. Temporary signs do not require a sign permit.
- b. Temporary signs must be securely affixed so that the wind cannot break them loose.
- c. A maximum of two (2) temporary signs shall be allowed for a period of 30

days. Any temporary sign found over two (2) shall violate the maximum number of allowed temporary signs and will be removed. The town will contact the sign's owner by either calling the phone number on the sign or sending a letter informing the owner of the violation and instructing them to pick up the excess signage and pay the \$5 per sign collected.

- d. Real estate, town-approved, and governmental temporary signs are exempt from the 30-day display period.
- e. No temporary signs will be allowed to attach to any public utility pole or structure. Any temporary sign seen attached to any utility pole or structure will be removed. There will be a \$5 charge sent to the address that is recorded on the sign (such as the address for a yard or garage sale), or the town will call the phone number on the sign (such as landscaping companies) to inform them of the violation to come to pick up their signs. There would be a \$5 charge for each sign-in violation.
- f. Temporary signs (yard sale or garage sale) must be removed within five (5) days after the sale is over.
- g. Any temporary sign that has been damaged by vandalism or weather must be removed immediately.
- h. If any business owner or resident feels like the maximum number of temporary signs allowed is not reasonable; they can request the Marion Town Council, during the regularly scheduled meeting, for additional temporary signage. The Marion Town Council may, if deemed appropriate and reasonable, approve the additional signage, or may refer it to Marion Planning Commission for further discussion prior to making the final decision.
- i. All temporary signs shall be maintained and in good repair. If notice is given that a temporary sign needs repair, then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-15. - Electronic Message Boards

The following standards shall apply to electronic message boards permitted in town.

- a. Electronic message boards (EMB) may be used as freestanding or wall signs and shall be counted against the total allowed sign square footage.
- b. An EMB shall include automatic dimming features for low-light conditions and shall not create glare or distract motorists.

- c. An EMB shall not contain video, continuous scrolling messages, flashing, or animated messages.
- d. Messages or images displayed shall be static for a period of not less than 10 seconds, with the following message or image appearing using a fade transition.
- e. All EMB must be UL-approved.
- f. All EMB must be supported or connected to structures in a manner that conforms to the Uniform Statewide Building Code of Virginia.
- g. EMB are only allowed in the Commercial, Commercial-Downtown, Industrial, and Medical zones.
- h. Light spillage into a residential neighborhood is prohibited.
- i. For the maximum square footage of EMB, see the chart below.
- j. All EMBs shall be maintained and in good repair. If notice is given that an EMB needs repair; then repairs must be completed within 30 days, or the sign must be removed for the health, safety, and welfare of the citizens of Marion.
- k. Marquee signs, as described above, are exempt from subsections C, D, and I of this section.

Sec. 15-16. - Allowable Signage Regulations per District

When the existing buildings along a road frontage are set back less than the minimum front yard requirements, new sign setback may be less than the minimum but not less than the average setback of all signs in the same block or 300 feet on either side of the proposed sign, whichever is greater. No sign shall be located within a street right-of-way or any private or public ingress or egress parking lot that obstructs clear vision as defined by industry standards or determined by the town engineering or public works department.

- a. All signage shall have a maximum cumulative square footage (sq. ft.) allowance per Business.
- b. There is a maximum limit of seven (7) signs allowed at each location requesting signage outside of a multi-tenant development. However, wayfinding or directional signs will not be included. Unless otherwise specified in this ordinance.

- c. Businesses located within a multi-tenant development shall have an additional three (3) signs for identification and promotion in addition to the development multi-tenant sign.
- d. The total sq. ft. allowed for all signage will be cumulative and must be equal to or less than the allowable sq. ft. per location according to [§15-17](#) or [§15-18](#) below.
- e. If additional signage is needed and a request is made in writing to the zoning administrator, the applicant will be added to the agenda for the next scheduled Marion Town Council meeting to illustrate why more signage is needed. The applicant must provide superimposed photos of all additional signs they are requesting, along with the size of each sign and the location it is to be mounted. If deemed appropriate, the Marion Town Council will approve the request or may refer to the Marion Planning Commission for further discussion.
- f. All temporary signage, including “A” frame signage, flutter flags, blade flags, or any advertisement that utilizes air or wind may only be displayed during working hours and must be removed at the end of each business day.
- g. The sign structure is separate from the cumulative allowable sq. ft. for signage. However, the sign structure must meet setback regulations and must not block any sight distances for motorists and pedestrians, including ingress and egress to a public parking lots and public rights of way.
- h. All signage must be in good structural condition and free from needing repairs. If a notice is given that any sign needs repair: repairs must be made within 30 days or the sign must be removed for the health, safety, and welfare of the citizens of Marion.

Sec. 15-17. - Allowable signage square footage for businesses outside a multi-tenant development.

The following chart represents the total square footage allowable per road/store frontage.

Road/store frontage distance in linear feet	Total allowable square footage for all signage (7)	The largest square footage per a single sign allowed
1-50	100 sq. ft.	40 sq. ft.
51-100	150 sq. ft.	60 sq. ft.
101-200	175 sq. ft.	70 sq. ft.
201-plus	200 sq. ft.	Not to exceed 100 sq. ft.

- a. The total square footage of the seven (7) allowed signs unless otherwise specified in this ordinance must be equal to or less than the allowable sq. ft. allowed per road/store frontage.

- b. All signage, per business, must be sized to appear appropriate dimensionally with the structure size.

Sec. 15-18. - Allowable signage square footage for businesses inside a multi-tenant development.

The following chart represents the total square footage allowable per store frontage for identification and promotions.

Store frontage linear feet	Total allowable square footage or all signage (3)	The largest square footage per a single sign allowed
1-50	60 sq. ft.	24 sq. ft.
51-100	90 sq. ft.	36 sq. ft.
101-200	105 sq. ft.	42 sq. ft.
201-plus	120 sq. ft.	Not to exceed 48 sq. ft.

- a. The total square footage of the three (3) additional signs for identification and promotions must be equal to or less than the allowable sq.ft. allowed per store frontage.
- b. All signage, per business, must be sized to appear appropriate dimensionally with the structure size.

Sec 15-19. - Commercial General (C-G) allowed signage

<i>Commercial General (A total of 7 signs allowed not to exceed cumulative allowable Sq. Footages below)</i>				
Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Freestanding Pole (Inside the interstate advertising corridor)	1 sq. ft. of signage per linear ft. of road frontage up to a Max. of 150 sq. foot	1	Max of 100'	A sign permit is required. It must be located within the interstate advertising corridor.
Freestanding Monument (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless multiple entrances to the business, then if Marion Planning Commission deems appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required. If supported by poles, it must have a decorative skirting concealing the support poles outside the interstate advertising corridor.
Ground or Low Profile (Preferred)	Based on the road frontage linear footage. Outside multi-tenant	1 unless there are multiple entrances to the development,	6' for businesses outside a multi-tenant	A sign permit is required.

(No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	development, see §15-17 for the maximum allowed sign sq. ft.	then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	development.	
Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain a minimum of 8' clearance, no taller than the primary structure	A sign permit is required. Must meet current setbacks for the district.
Canopy (Free-standing)	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	If used for fuel dispensing, then there must be a minimum of 13'6" clearance	A sign permit is required if a commercial gain message is attached. Must meet current setbacks for the district.
Marquee	The message area of a theater marquee sign shall be at most	1	Must maintain a minimum of 8' clearance,	A sign permit is required for the initial sign.

	100 sq. ft. If more signage is required, the applicant can appeal to the Marion Town Council, and if deemed appropriate, additional signage may be approved.		however no taller than the primary structure	No sign permit is required when changing the message on the marquee as long as the overall dimensions of the marquee remain the same.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
Multi-Tenant Signs (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	(Multi-tenant development sign) 1 sq. ft. of signage per 1 linear foot of road frontage up to 400 sq. ft. Excluding sign structure.	1 unless there are multiple entrances to the development; if 2 multi-tenant signs are requested, they must be brought before the Marion	40' Maximum for Multi-tenant developments	A sign permit is required. Must meet all setbacks. Each business inside

	(Identification and Promotional signs for businesses inside development) Based on the linear footage of the store frontage. Inside Multi-tenant developments, see §15-18	Town Council. If deemed appropriate, up to 2 signs may be approved or referred to the Marion Planning Commission for further discussion.		the development may have 3 additional signs for identification; it must meet the standards of the type of sign chosen.
Electronic Message Board	Max. of 32 sq. ft.	1	25' or below the height of the primary structure, whichever is less	A sign permit is required. Must meet all setbacks. The message can only change every 10 seconds. It must be auto-dimming at low-light conditions so that glare will not interfere with or distract motorists.

Sec 15-20. - Commercial-Downtown (C-D) allowed signage

Commercial –Downtown (A total of 5 signs allowed not to exceed cumulative allowable Sq. Footages below)

Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Ground or Low Profile (Preferred) (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless there are multiple entrances to the development, then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	10' for Multi-tenant development 6' for businesses outside a multi-tenant development.	A sign permit is required.
Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance	A sign permit is required.

			from ground level to the lowest part of the sign.	It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required. Must meet current setbacks for the district.
Marquee	The message area of a theater marquee sign shall be at most 100 sq. ft. If more signage is required, the applicant can appeal to the Marion Town Council and, if deemed appropriate, may be approved or referred to Marion Planning Commission for further discussion.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required for the initial sign. No sign permit is required when changing the message on the marquee as long as the overall dimensions of the marquee remain the same.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.

Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
Electronic Message Board	Max. of 12 sq. ft.	1	25' or below the height of the primary structure, whichever is less	A sign permit is required. Must meet all setbacks. The message can only change every 10 seconds. It must be auto-dimming at low-light conditions so that glare will not interfere with or distract motorists.

Sec 15-21. - Commercial Limited (C-L) allowed signage

Commercial Limited (A total of 5 signs allowed not to exceed cumulative allowable Sq. Footages below)				
Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Ground or Low Profile (Preferred) (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless there are multiple entrances to the development, then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	10' for Multi-tenant development 6' for businesses outside a multi-tenant development.	A sign permit is required.

Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required. Must meet current setbacks for the district.
Marquee	The message area of a theater marquee sign shall be at most 100 sq. ft. If more signage is required, the applicant can appeal to the Marion Town Council and, if deemed appropriate, may be approved or referred to the Marion Planning Commission for further discussion.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required for the initial sign. No sign permit is required when changing the message on the marquee as long as the overall dimensions of the marquee remain the same.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.

	§15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.			
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.

Sec 15-22. - Medical Arts General (M-AGEN) allowed signage

Medical Arts General (A total of 7 signs allowed not to exceed cumulative allowable Sq. Footages below)

Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Freestanding Pole (Inside the interstate advertising corridor)	1 sq. ft. of signage per linear ft. of road frontage up to a Max. of 150 sq. foot	1	Max of 100'	A sign permit is required. It must be located within the interstate advertising corridor.
Freestanding Monument (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless multiple entrances to the business, then if Marion Planning Commission deems appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required. If supported by poles, it must have a decorative skirting concealing the support poles outside the interstate

				advertising corridor.
Ground or Low Profile (Preferred) (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless there are multiple entrances to the development, then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	10' for Multi-tenant development 6' for businesses outside a multi-tenant development.	A sign permit is required.
Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required. Must meet current setbacks for the district.
Canopy (Free-standing)	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the	1	If used for fuel dispensing, there must be a minimum of 13'6" clearance.	A sign permit is required if a commercial gain message is attached. Must meet current setbacks for the district.

	allowable sq. ft.			
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
Multi-Tenant Signs (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	(Multi-tenant development sign) 1 sq. ft. of signage per 1 linear foot of road frontage up to 400 sq. ft. Excluding sign structure. (Identification and Promotional signs for businesses inside development) Based on the linear footage of the store frontage.	1 unless there are multiple entrances to the development; if Marion Town Council deems it appropriate and approves it, up to 2 may be allowed.	40' if the district adjoins the Commercial General District 25' if the district adjoins a residential neighborhood.	A sign permit is required. Must meet all setbacks. Each business inside the development may have 3 additional signs for identification; it must meet the standards of the type of sign chosen.

	Inside Multi-tenant developments, see §15-18			
Electronic Message Board	Max. of 32 sq. ft.	1	25' or below the height of the primary structure, whichever is less	<p>A sign permit is required.</p> <p>Must meet all setbacks.</p> <p>The message can only change every 10 seconds.</p> <p>It must be auto-dimming at low-light conditions so that glare will not interfere with or distract motorists.</p>

Sec 15-23. - Medical Arts Educational (M-AEDU) allowed signage

Medical Arts Educational (A total of 7 signs allowed not to exceed cumulative allowable Sq. Footages below)				
Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
<p>Freestanding Monument</p> <p>(No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)</p>	<p>Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.</p>	<p>1 unless multiple entrances to the business, then if Marion Planning Commission deems appropriate, up to 2 may be allowed.</p>	<p>25' or below the height of the primary structure, whichever is less</p>	<p>A sign permit is required.</p> <p>If supported by poles, it must have a decorative skirting concealing the support poles outside the interstate advertising corridor.</p>
<p>Ground or Low Profile (Preferred)</p> <p>(No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)</p>	<p>Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.</p>	<p>1 unless there are multiple entrances to the development, then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.</p>	<p>10' for Multi-tenant development</p> <p>6' for businesses outside a multi-tenant development.</p>	<p>A sign permit is required.</p>
<p>Wall Mounted or Fascia Signs</p>	<p>Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17</p> <p>Inside Multi-tenant developments, see §15-18</p>	<p>1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.</p>	<p>25' or below the height of the primary structure, whichever is less</p>	<p>A sign permit is required.</p>

Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required. Must meet current setbacks for the district.
Canopy (Free-standing)	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	If used for fuel dispensing, there must be a minimum of 13'6" clearance.	A sign permit is required if a commercial gain message is attached. Must meet current setbacks for the district.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.

	Planning Commission.			
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
Multi-Tenant Signs (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	<p>(Multi-tenant development sign) 1 sq. ft. of signage per 1 linear foot of road frontage up to 400 sq. ft. Excluding sign structure.</p> <p>(Identification and Promotional signs for businesses inside development) Based on the linear footage of the store frontage. Inside Multi-tenant developments, see §15-18</p>	1 unless there are multiple entrances to the development; if 2 signs are requested, the request must be brought before the Town Council. If the request is deemed appropriate, up to 2 signs may be allowed. It could be referred to the Marion Planning commission for further discussion.	<p>40' if the district adjoins a Commercial General District</p> <p>25' if the district adjoins a residential district</p>	<p>A sign permit is required.</p> <p>Must meet all setbacks.</p> <p>Each business inside the development may have 3 additional signs for identification; it must meet the standards of the type of sign chosen.</p>
Electronic Message Board	Max. of 12 sq. ft.	1	25' or below the height of the primary structure, whichever is less	<p>A sign permit is required.</p> <p>Must meet all setbacks.</p> <p>The message can only change every 10 seconds.</p> <p>It must be auto-dimming at low-light conditions so that glare will not interfere with or</p>

				distract motorists.
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Sec 15-24. - Medical Arts Behavioral Science (M-ABS) allowed signage

Medical Arts Behavioral Science (A total of 7 signs allowed not to exceed cumulative allowable Sq. Footages below)

Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Freestanding Monument (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless multiple entrances to the business, then if Marion Planning Commission deems appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required. If supported by poles, it must have a decorative skirting concealing the support poles outside the interstate advertising corridor.
Ground or Low Profile (Preferred) (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless there are multiple entrances to the development, then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	10' for Multi-tenant development 6' for businesses outside a multi-tenant development.	A sign permit is required.
Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see	1	Must maintain a minimum of 8' clearance, however no	A sign permit is required. Must meet current setbacks for the

	§15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.		taller than the primary structure	district.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
Multi-Tenant Signs (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	(Multi-tenant development sign) 1 sq. ft. of signage per 1 linear foot of road frontage up to 400 sq. ft. Excluding sign structure.	1 unless there are multiple entrances to the development; if 2 signs are requested, the request must be brought before the	25'	A sign permit is required. Must meet all setbacks. Each business inside

	(Identification and Promotional signs for businesses inside development) Based on the linear footage of the store frontage. Inside Multi-tenant developments, see §15-18	Town Council. If the request is deemed appropriate, up to 2 signs may be allowed. It could be referred to the Marion Planning commission for further discussion.		the development may have 3 additional signs for identification; it must meet the standards of the type of sign chosen.
Electronic Message Board	Max. of 12 sq. ft.	1	25' or below the height of the primary structure, whichever is less	A sign permit is required. Must meet all setbacks. The message can only change every 10 seconds. It must be auto-dimming at low-light conditions so that glare will not interfere with or distract motorists.

Sec 15-25. - Industrial General (I-G) allowed signage

Industrial General (A total of 7 signs allowed not to exceed cumulative allowable Sq. Footages below)				
Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Freestanding Pole (Inside the interstate advertising corridor)	1 sq. ft. of signage per linear ft. of road frontage up to a Max. of 150 sq. foot	1	Max of 100'	A sign permit is required. It must be located within the interstate advertising corridor.
Freestanding Monument (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless multiple entrances to the business, then if Marion Planning Commission deems appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required. If supported by poles, it must have a decorative skirting concealing the support poles outside the interstate advertising corridor.
Ground or Low Profile (Preferred) (No other freestanding signs are permitted for	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum	1 unless there are multiple entrances to the development, then if Marion Planning	10' for Multi-tenant development 6' for businesses	A sign permit is required.

individual businesses inside a multi-tenant development.)	allowed sign sq. ft.	Commission deems it appropriate, up to 2 may be allowed.	outside a multi-tenant development.	
Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain a minimum of 8' clearance, however no taller than the primary structure	A sign permit is required. Must meet current setbacks for the district.
Canopy (Free-standing)	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.	1	If used for fuel dispensing, there must be a minimum of 13'6" clearance.	A sign permit is required if a commercial gain message is attached. Must meet current setbacks for the district.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq.

	<p>Inside Multi-tenant developments, see §15-18</p> <p>The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.</p>			ft.
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	<p>No sign permit is required.</p> <p>Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.</p>
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	<p>No sign permit is required.</p> <p>Sq. Ft. not included in cumulative allowable signage requirements.</p>
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
<p>Multi-Tenant Signs</p> <p>(No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)</p>	<p>(Multi-tenant development sign)</p> <p>1 sq. ft. of signage per 1 linear foot of road frontage up to 400 sq. ft. Excluding sign structure.</p> <p>(Identification and Promotional signs for businesses inside development)</p> <p>Based on the linear footage of the store frontage.</p> <p>Inside Multi-tenant developments, see §15-18</p>	1 unless there are multiple entrances to the development; if Marion Town Council deems it appropriate and approves it, up to 2 may be allowed.	40'	<p>A sign permit is required.</p> <p>Must meet all setbacks.</p> <p>Each business inside the development may have 3 additional signs for identification; it must meet the standards of the type of sign chosen.</p>
Electronic Message Board	Max. of 32 sq. ft.	1	25' or below the height of the primary	A sign permit is required.

			structure, whichever is less	<p>Must meet all setbacks.</p> <p>The message can only change every 10 seconds.</p> <p>It must be auto-dimming at low-light conditions so that glare will not interfere with or distract motorists.</p>
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Sec 15-26. - Recreational (REC) allowed signage

Recreational (A total of 5 signs allowed not to exceed cumulative allowable Sq. Footages below)

Type of signage allowed	Maximum Allowable sign sq. ft.	Number of Signs	Height of Signs	Miscellaneous Info
Ground or Low Profile (Preferred) (No other freestanding signs are permitted for individual businesses inside a multi-tenant development.)	Based on the road frontage linear footage. Outside multi-tenant development, see §15-17 for the maximum allowed sign sq. ft.	1 unless there are multiple entrances to the development, then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	10' for Multi-tenant development 6' for businesses outside a multi-tenant development.	A sign permit is required.
Wall Mounted or Fascia Signs	Based on the linear footage of the store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18	1 unless the business fronts on multiple roads (corner lot), then if Marion Planning Commission deems it appropriate, up to 2 may be allowed.	25' or below the height of the primary structure, whichever is less	A sign permit is required.
Projecting Signs	Max. of 9 sq. ft.	1	Must maintain 8' clearance from ground level to the lowest part of the sign.	A sign permit is required. It cannot extend more than 4' from the building's face.
Awning Signs	50% of the awning length The commercial gain area of these signs will be included in the allowable sq. ft.	1	Must maintain 8' clearance from ground level.	A sign permit is required. It cannot extend more than 4' from the building's face.
Canopy (Attached) signs	Based on linear ft. of store frontage. Outside Multi-tenant	1	Must maintain a minimum of 8' clearance,	A sign permit is required. Must meet current

	developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft.		however no taller than the primary structure	setbacks for the district.
Window Signs	Based on linear ft. of store frontage. Outside Multi-tenant developments, see §15-17 Inside Multi-tenant developments, see §15-18 The commercial gain area of these signs will be included in the allowable sq. ft. 25% maximum coverage of the window area. It may be increased to 50% if deemed appropriate by Marion Planning Commission.	1 per window	N/A	A sign permit is required. Each window sign will be included in the total allowable sq. ft.
Temporary Signs	Up to 30 sq. ft. per temporary sign	2	4'	No sign permit is required. Temporary signs are allowed for 30 days. Sq. Ft. not included in cumulative allowable signage requirements.
Directional Signs	Max. of 3 sq. ft. per sign	N/A	4' if freestanding	No sign permit is required. Sq. Ft. not included in cumulative allowable signage requirements.
Miscellaneous Signs	Sq. Ft. must be deemed appropriate and approved by Marion Town Council.	The number of miscellaneous signs must be deemed appropriate and approved by Marion Town Council.	The height of miscellaneous signs must be deemed appropriate and approved by the Marion Town Council.	Depending on the primary use of the miscellaneous sign, a sign permit may be required.
Electronic Message Board	Max. of 12 sq. ft.	1	25' or below the height of the primary structure, whichever is less	A sign permit is required. Must meet all setbacks.

				<p>The message can only change every 10 seconds.</p> <p>It must be auto-dimming at low-light conditions so that glare will not interfere with or distract motorists.</p>
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Sec. 15-27. - Residential zone signage

The following standards shall apply to residential signage.

- a. Unless otherwise specified, moving signs and EMB (Electronic Message Boards) are prohibited in residential zones.
- b. Any home occupation that has a current Town of Marion business license and has an approved special use permit for a home occupation shall be permitted to have one (1) window sign not to exceed one (1) square foot, or one (1) wall-mounted sign not to exceed one (1) square foot.
- c. Any home occupation signage is prohibited from any internal illumination. All home occupation signage must be indirectly illuminated. At no time shall any type of indirect illumination interfere with surrounding neighbors.
- d. Temporary signs such as yard sale signs, garage sale signs, or items for sale signs are allowed but cannot exceed three (3) square feet. These types of signs are prohibited to be placed on any public utility pole or anywhere on the right of way.
- e. Temporary signs must be removed within five (5) days after the event conclusion.
- f. There will be a five (\$5) fine for each sign found in non-compliance with (d) and (e) above.
- g. Home occupation signage is required to have a sign permit; however, temporary signs do not require a sign permit.
- h. Neighborhood signs located near the entrance of sub-divisions are permitted in all residential zones.
- i. Neighborhood signs must maintain a ten (10) foot setback from any public right-of-ways and must not block any sight distances of motorists' ingress and egress of the sub-division.

- j. Neighborhood signs shall only be freestanding ground-mounted / low-profile signs.
- k. Neighborhood signs shall not exceed five (5) feet in height.
- l. Neighborhood signs shall not exceed twenty (20) square feet for signage, excluding the sign structure.
- m. All address letters, numbers, plaques, and channel letters are exempt from this ordinance.

Sec. 15-28. - Sign allowance flexibility

In large-scale commercial developments or for individual commercial properties, a master sign plan may be reviewed by the Planning Commission before submission to the Town Council to ensure it meets the intention of this ordinance and if the following conditions are met: all signs are well-designed and complementary to each other; signs are no larger than necessary to ensure legibility and visibility; and the number of signs within the development shall be sufficient to provide necessary and safe internal vehicle and pedestrian circulation and wayfinding. The Marion Town Council may approve additional signage if these conditions are met.

Sec. 15-29. - Unsafe or Unlawful Signs

- (a) Every sign and its structure shall be maintained as safe and in good structural condition at all times, including replacing defective parts and wiring, painting, repainting, cleaning, and other acts required for general maintenance.
- (b) Upon written notice from the town, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or becomes so deteriorated that it no longer serves a useful purpose of communication; or it is determined by the town to be a nuisance, or it is deemed unsafe by the town; or is unlawfully erected in violation of any of the provisions of this division.

Sec. 15-30. - Abandoned Signs

- (a) Any on-premises sign that is determined to be an abandoned sign and does not conform to the minimum standards of this ordinance shall be deemed a nonconforming sign and shall be either removed from the premises or made to conform to this chapter within 30 days from the date of cessation of the use, activity or product to which it pertains. Any on-premises sign determined to be an abandoned sign but otherwise conforming to the minimum standards of this ordinance shall be painted over, covered, or otherwise out of sight from the public within 12 months from the date of cessation of the use, activity, or product to which it pertains.
- (b) Any non-conforming off-premises sign determined to be an abandoned sign shall be removed including the sign face and all of its supporting structure, within six (6) months of its cessation of use.

Sec. 15-31. - Removal

In requiring the removal of unsafe, unlawful, or abandoned signs as regulated, the zoning administrator shall provide thirty (30) days from the date of the notice for compliance. If the property owner fails to comply within 30 days, the town may remove the sign, and the cost of the removal shall be paid by the owner or person having the beneficial use of the premises. If the cost is not paid to the town within 30 days from the written statement requesting payment, the town may place a lien against the property until such cost is paid, or it will be collected in the same manner as delinquent real property taxes.

Sec. 15-32. - Nonconforming signs

- (a) Normal maintenance of a legal nonconforming sign, including changing of copy, nonstructural repairs, and incidental alterations that do not extend or intensify the nonconforming features of the sign, shall be permitted. No structural alteration, enlargement, or extension shall be made to a legal nonconforming sign unless the alteration, enlargement, or extension will result in the elimination or reduction of the nonconforming features of the sign. Alteration includes adding internal illumination or an electronic message center to a non-conforming sign.
- (b) A non-conforming sign shall not be relocated unless the relocation results in the sign becoming a conforming sign at the new location. All provisions of this division apply to a relocated sign, including the requirement for a permit,
- (c) Should any legal nonconforming sign be damaged by any means to the extent of 50 percent or more of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this article. In the event damage or destruction of the sign is less than 50 percent of its replacement cost at that time, the sign may be rebuilt to its original condition and may continue to be displayed.

Sec. 15-33 through 15-40 – Reserved

DIVISION 16. - SIGNAGE DEFINITIONS

Sec. 16-1. - Sign Definitions

When used in this article, the following words, terms, and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words and terms not herein defined shall have the meaning customarily assigned to them. Words used in the present tense include the future tense; the singular includes the plural, and the plural the singular; the term "shall" is mandatory; the word "may" is permissive.

1. Commercial Gain: Refers to the area on any signage where any picture, text, or illustration is used to draw attention to your business. This will be considered the “commercial gain” area. These areas will be added to the allowable sq. ft. requirements.

2. Interstate advertising corridor: An area measured as 1,320 linear feet from the center of Interstate 81.

- 3. Setback:** The minimum distance any building or structure must be separated from a street right-of-way or lot line.
- 4. Sign:** Any structure or visual communicator used for any advertisement or commercial gain draws the public's attention and is visible from the public right-of-way.
- 5. Sign area:** The area of any sign is measured by finding the area of the minimum imaginary or actual rectangle or square, which fully encloses all words, copies, or messages or the extremities of one side of the sign, exclusive of its supports. In the case of a sign where lettering appears back-to-back, that is, on opposite sides of the sign, the area shall be considered to be that of only one face.
- 6. Abandoned sign:** Any sign that no longer displays information or information about a business or activity that has ceased to exist.
- 7. Canopy Sign:** A sign painted on or attached flat against a canopy that does not extend more than six (6) inches beyond the face of the surface to which it is attached. The area of commercial gain on the canopy sign will be deducted from the allowable permitted signage per request.
- 8. Electronic message board:** An electrically activated changeable sign whose variable message and/or graphic presentation capability can be programmed, and light intensity can be controlled remotely.
- 9. Freestanding sign:** A permanent, ground-mounted sign not attached to a building or structure in which the entire supporting structure of the sign is affixed to the ground. The head clearance of all freestanding signs shall be eight feet.
- 10. Ground-mounted / Low Profile sign:** This type of signage is preferred in the Town of Marion. A permanent, free-standing sign not attached to a building or structure in which the entire bottom of the sign or supporting structures, including a foundation for the sign, is affixed to the ground.
- 11. Home Occupation sign:** A sign advertising services available on residential premises upon which the sign is located and which is authorized under section [5-3](#) and meeting regulations therein.
- 12. Incidental sign:** A wall or freestanding sign not exceeding three (3) square feet in size and four (4) feet in height if freestanding. Examples include on-premises directional signs, building address signs, office nameplates, residence signs, no trespassing and other security-related signage, or signage on gas pumps. Freestanding incidental signs must be placed far enough from any street right-of-way to avoid a sight-distance problem. Incidental signs cannot be off-premises signs.
- 13. Multi-tenant sign:** A permanent, free-standing sign serving one commercial site or development designed to accommodate two or more sign panels for multiple tenants.
- 14. Miscellaneous signs:** Any other type of signage not mentioned in this ordinance. This signage must be deemed appropriate and approved by the Marion Town Council. Town Council may refer it to the Marion Planning Commission for further discussion.
- 15. Non-conforming sign:** Any sign, the area, dimensions, or location of which were lawful at the time the sign was erected but which failed to conform to the current standards and regulations due to the adoption, revision, or amendment of this division.

16. Off-premises sign: Any sign that directs attention to a business, commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected, such as a billboard sign.

17. Pole sign: A permanent, free-standing sign elevated above the ground by one or more upright poles, columns, braces, or other structures and not attached to any building or structure, with the bottom of the sign being over six feet above the adjacent ground. Such signs cannot overhang any area that pedestrians can walk under.

18. Projecting sign: A sign attached to a building, approximately perpendicular to the building's face.

19. Directional sign: A sign that is part of a system of public way finding or location markers sponsored by a government entity or non-profit organization, if approved by the town, to direct pedestrian or vehicular traffic to public or commercial attractions, historic areas, or community facilities.

20. Temporary Sign: A sign designed or intended, based on materials and structural components, to be displayed for a specified or limited period, regardless of the type or style of sign. Types of temporary signs are defined below:

Activity sign: A temporary sign on the site of an activity or event that is only temporary in nature, such as a construction project or new development announcement.

A-frame sign: A temporary sign used at a place of business to provide information to pedestrians and slow-moving vehicles. The sign may be one or two-sided. It is also known as a sandwich board sign.

Banner: A temporary sign made of a material such as fabric, flexible plastic, or canvas that can be easily folded or rolled, but not including paper or cardboard. Types of banners are wall banners affixed flat against a building wall, free-standing banners secured to metal posts in the ground, and vertical flag banner signs adequately secured in the ground.

Non-commercial message sign: A temporary sign that does not direct attention to any business, commodity, service, entertainment, product, or attraction and is of a political, religious, or ideological nature.

Realtor sign: A temporary sign displayed on the property for sale or lease to advertise said property.

Portable sign: A temporary sign designed with wheels to be transported by vehicle but does not include signs attached to or painted on properly registered and operable vehicles.

Yard sign: A temporary sign made of cardboard or foam board attached to a metal or plastic frame.

21. Wall sign: A sign painted on or attached directly to the surface of a building wall, an awning, or a fence.

22. Indirect Illumination: An external light source used to reflect light upon a surface.

Sec. 16-2 through 16-5 – Reserved

DIVISION 17. - PARKING

Sec. 17-1. - Purpose

This chapter establishes the minimum standards for vehicular parking, loading, and service areas. The provisions in this chapter apply to all types of new development, redevelopment, expansions of existing uses, and changes in use. The minimum standards required by this chapter shall apply unless alternate minimum parking standards are applicable and approved by the zoning administrator. When considering the appropriateness of applying alternate minimum parking standards, the zoning administrator shall consult with the appropriate town departments (i.e., Marion Planning Commission, public works, planning, police, fire, etc.) to ensure such decisions are in the best interest of the health, safety, and public welfare of the community and consistent with goals and objectives adopted in the Town of Marion, Va. comprehensive plan.

These standards ensure the adequate and safe provision of parking to support various types of land uses. In addition, these standards contribute to the reduction of potential detrimental impacts to adjoining properties, enhance pedestrian access and connections, reduce stormwater impacts, and minimize excessive parking and the associated environmental impacts.

The Town of Marion has determined that the following guidelines shall be met:

- a) An off-street parking space shall be dimensionally sized to fit all vehicles adequately, along with enough room to open all doors.
- b) All off-street parking spaces and related access areas shall be graded, improved, and maintained in a manner that is safe and convenient to use.
- c) Required off-street parking areas shall have individual spaces marked.
- d) All required off-street parking spaces shall be on the same lot as the principal structure if the parking is for a residence.
- e) In districts other than residential, parking spaces may be up to four hundred (400) feet away from the primary structure location.
- f) Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.
- g) When commercial parking lots adjoin residential zones, there shall be a privacy buffer consisting of a fence or landscaping that shall be deemed appropriate and approved by Marion Town Council. Town Council may refer it to the Marion Planning Commission for further discussion.
- h) Every parcel of land to be utilized as public parking shall be surfaced with asphalt or concrete and shall not create additional or unreasonable stormwater runoff on neighboring properties.

- i) All public and private parking lots shall be maintained and not be allowed to deteriorate.
- j) All parking lots that adjoin any street or right-of-way shall not have any structure or plantings within twenty-five (25) feet on either side of the curb line of the entrance to maintain the ingress and egress sight line triangle.
- k) All lighting in any parking lot shall not cause any excess glare to motorists, nor shall it be allowed to spill into residential neighborhoods.

Sec. 17-2. - Parking spaces required

Along with means of ingress and egress, uses permitted by the zoning ordinance shall provide on-site a minimum number of permanently maintained parking spaces as required in [Sec. 17-3](#).

Required Minimum Parking or alternate parking provisions are specified in other chapters of this ordinance, which shall govern the required parking. In addition, all uses shall provide parking spaces accessible to the associated use according to the Uniform Statewide Building Code, meet access standards established in the Virginia Statewide Fire Prevention Code, and conform to the ADA regulations. Uses requiring a special use permit may be required to vary from these standards due to the specific conditions of the development. Such variation shall be in the form of a condition recommended by the Marion Planning Commission and adopted by the town council.

Minimum parking standards for uses not specifically listed in this chapter shall be based on 1 space for every 200 sq. ft. of floor space plus 1 space for every 4 employees or based on the minimum parking requirements of the closest comparable use for which a standard is specified.

Sec. 17-3. - Required Minimum Parking

Use Group	Required Minimum Parking
Residential	Number of spaces required
Single-family detached	2 spaces per household.
Detached accessory dwelling	2 spaces per dwelling.
Two-family dwelling or duplex	2 spaces per individual dwelling unit.
Mobile home	2 spaces per unit.
Multi-family	See Below
Apartments	2 spaces per dwelling unit plus 1 guest space for every 5 dwelling units.
Townhouse	2 spaces per individual dwelling unit.
Condominiums	2 spaces per individual dwelling.
Short-term residential rentals (i.e., VRBO, Air B&B, Bed and Breakfast, etc.)	1 space for every 2 bedrooms rented in addition to the minimum requirements of the dwelling.
All other parking	Required Minimum Parking
Retail	1 space for every 200 sq. ft. of floor space plus 1 space for every 3 employees.
Professional Office Space	1 space for every 200 sq. ft. of floor space

	plus 1 space for every 3 employees.
Animal Hospitals	1 space for every 400 sq. ft. of floor space plus 1 space for every 3 employees.
Automotive sales, storage, repairs, and/or service	1 space for every 200 sq. ft. of floor space plus 1 space for every 3 employees
Child Care Facilities	1 space for every 350 sq. ft. of floor space plus 1 space for every 2 employees
Church	1 space for every 4 seats
Commercial Lodging	1 space per rentable unit
Dental Offices	1 space for every 200 sq. ft. of floor space plus 1 space for every 3 employees
Dry Cleaners	1 space for every 500 sq. ft. of floor space plus 1 space for every 2 employees
Educational institutions and dormitories	Educational institutions: Post High School -7 spaces per classroom High School – 5 spaces per classroom Elementary School – 2 spaces per classroom Dormitories – 1 space per dorm room plus 1 guest space per 3 dorm rooms
Emergency Services	1 space for every 500 sq. ft. of floor space plus 1 space for every 4 employees
Equipment Sales	1 space for every 500 sq. ft. of floor space plus 1 space for every 4 employees
Fitness Centers	1 space for every 100 sq. ft. of floor space plus 1 space for every 4 employees
Furniture sales and/or service	1 space for every 500 sq. ft. of floor space plus 1 space for every 4 employees
Funeral Services	1 space for every 200 sq. ft. of floor space
Golf Course	18-hole golf course must have a minimum of 50 spaces
Gymnasiums and/or recreational areas	Gymnasiums-1 space per 500 sq. ft. of floor area plus 1 space per 3 seats. Recreational areas-3 spaces per acre
Hospitals, Clinics, Urgent Care, and Medical Offices	Hospitals-1 space for every 2 beds plus 1 space for every 3 employees Clinics-1space for every 300 sq. ft. floor space plus 1 space for every 3 employees Urgent Care-2 spaces for each attending physician plus 1 space for every 2 employees Medical Offices-1 space for every 300 sq. ft. of floor space plus 1 space for every 3 employees
Laboratories	1 space for every 500 sq. ft. of floor space
Laundromats	1 space for every 300 sq. ft. of floor space
Museums	1 space for every 500 sq. ft. of floor space
Methadone and other controlled substance clinics	2 spaces for each attending physician plus 1 space for every 3 employees

Opticians with optical supply sales and service	3 spaces for every attending optician plus 1 space for every 3 employees
Permanent Storage	1 space for every 4 rentable units
Pharmacy	1 space for every 300 sq. ft. of floor space plus 1 space for every 3 employees
Places for public and/or private gatherings and/or social activities	1 space for every 4 seats or 1 space for every 300 sq. ft. of floor space, whichever is greater
Public Amusement	1 space for every 4 seats or 1 space for every 300 sq. ft. of floor space, whichever is greater
Salons	1 space for each station plus 1 space for every 3 employees
Skilled Senior Facility	1 space for every 2 beds plus 1 space for every 3 employees
Businesses with Drive-thru services	Minimum Stacking Distance
Pharmacy	10 ft. wide lanes and a minimum of 100 ft. (5) vehicles at peak time, not to impede the natural flow of regular traffic
Banks	10 ft. wide lanes and a minimum of 60 ft. (3) vehicles at peak time, not to impede the natural flow of regular traffic
Restaurants	10 ft. wide lanes and a minimum of 180 ft. (9) vehicles at peak time, not to impede the natural flow of regular traffic
Retail	10 ft. wide lanes and a minimum of 80 ft. (4) vehicles at peak time, not to impede the natural flow of regular traffic

Businesses that do not offer walk-in service and whose customer base is primarily drive-thru customers are exempt from the required minimum parking requirements. However, 1 space shall be required per employee during the busiest shift.

Drive-thru services shall not, under any circumstances, impede the natural flow of normal traffic. Stacking requirements should be based on peak vehicular times. Additional drive-thru lanes may benefit some businesses if the minimum requirements are unmet.

The Marion Planning Commission may increase minimum parking and stacking requirements if appropriate.

Sec. 17-4. - Accessible parking required

The following requirements must be met for ADA compliance:

Location:

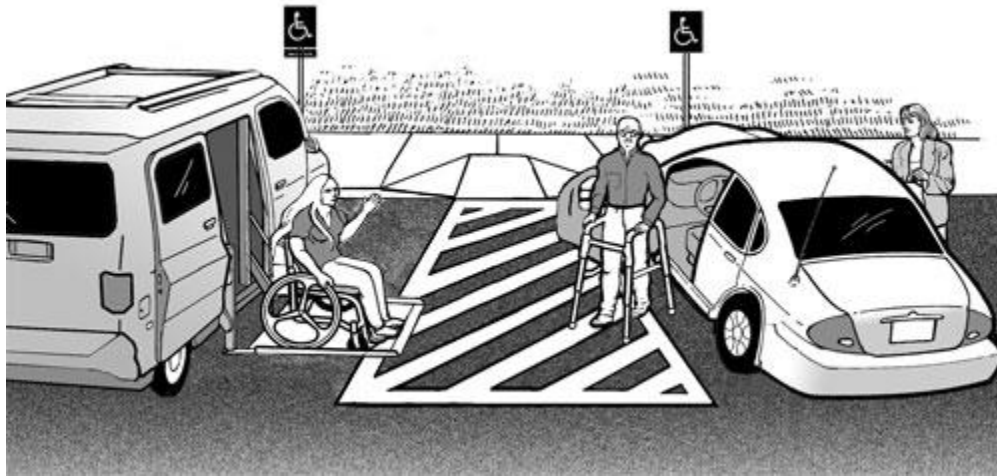
In parking lots or garages, accessible parking spaces must be located on the shortest accessible route to the accessible entrance. An accessible route is the path a person with a disability takes to enter and move through a building or facility.

Access Aisles:

Accessible parking spaces must have access aisles. Access aisles provide a designated area for people who use wheelchairs or other mobility devices to get in and out of their car or van. Mobility devices allow people with disabilities to move about independently. They include walkers, canes, crutches, braces, manual or power wheelchairs, Segways, and electric scooters.

Access aisles must be:

1. Marked (to discourage drivers from parking in them)
2. The same length as the space
3. Level with the parking space



Two accessible parking spaces can share an access aisle with the access aisle between the two parking spaces (except in angled parking).

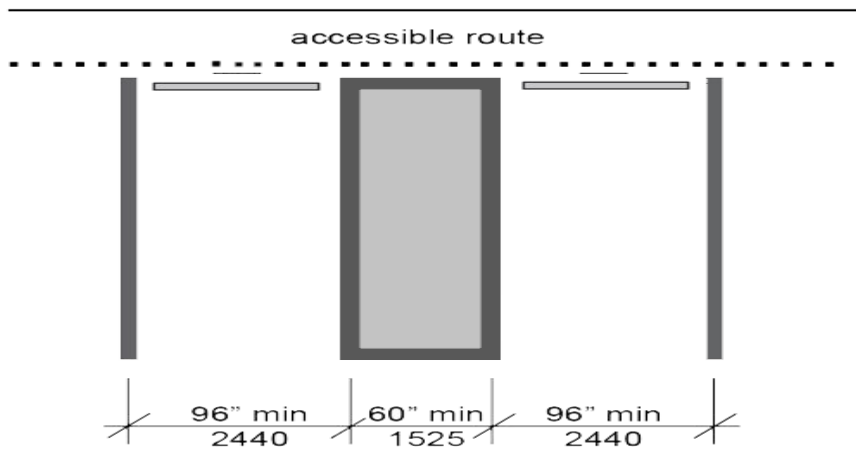
An access aisle can be placed on either side of the parking space (except in angled parking, where it must be located on the passenger side of the parking space).

Parking Spaces:

Accessible parking spaces must be provided for cars and vans.

Car-accessible spaces must:

1. Be at least 96 inches wide
2. Have an access aisle at least 60 inches wide
3. Have no more than a 1.48 (2.08%) slope in all directions
4. Have a surface that is firm, stable, and slip-resistant
5. Have a sign with the international symbol of accessibility on it, mounted at least 60 inches above the ground (measured to the bottom of the sign)



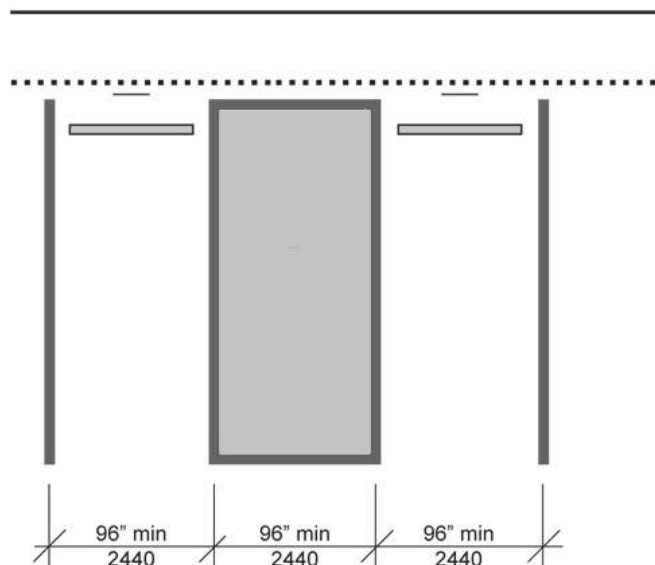
Van-accessible spaces must (pick option #1 or #2)

Option #1

1. Be at least 132 inches wide.
2. Have an access aisle at least 60 inches wide.
3. Have no more than a 1:48 (2.08%) slope in all directions.
4. Provide at least 98 inches of vertical clearance (van height) for the parking space, access aisle, and vehicular route.
5. Have a surface that is firm, stable, and slip-resistant.
6. Have two signs mounted at least 60 inches above the ground (measured to the bottom of the sign).
 - a) First sign: international symbol of accessibility.
 - b) Second sign: stating that the space is van accessible.

Option #2

1. Be at least 96 inches wide.
2. Have an access aisle at least 96 inches wide.
3. Have a maximum of a 1.48 (2.08%) slope in all directions.
4. Provide at least 98 inches of vertical clearance for the parking space, access aisle, and vehicular route.
5. Have a surface that is firm, stable, and slip-resistant.
6. Have two signs mounted at least 60 inches above the ground (measured to the bottom of the sign).
 - a) First sign: international symbol of accessibility.
 - b) Second sign: stating that the space is van accessible.



Number of required accessible spaces required:

The following Sec. 17-5 are the required number of accessible parking spaces required in addition to the minimum number of spaces noted in [Table 17-3](#).

The table below shows the number of accessible spaces required by the 2010 ADA Standards for Accessible Design.

Sec. 17-5. - Accessible Parking Requirements

Total number of parking spaces provided in a parking lot or facility	The minimum number of accessible parking spaces required.
1-25 spaces	1
26-50 spaces	2
51-75 spaces	3
76-100 spaces	4
101-150 spaces	5
151-200 spaces	6
201-300 spaces	7
301-400 spaces	8

**** At least one of every six spaces must be van-accessible.**

Sec. 17-6. - Off-Street Parking Requirements

- (a) **Generally.** There shall be provided at the time of the erection of any building or structure or the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats, or floor area; or before conversion from one zoning use or occupancy to another, permanent off-street parking space in the amount specified by this section. Such space shall be provided with vehicular access to a street or alley.
- (1) The off-street parking spaces required by this section shall be permanent open spaces and shall not be used for any other purpose.
 - (2) The off-street parking space shall consist of an area adequate for parking an automobile of standard dimensions with room for opening the door on both sides.
 - (3) All off-street parking spaces and related access areas shall be graded, improved, and maintained in a manner permitting safe and convenient use under normal weather conditions to avoid adverse effects on the neighboring property due to dust or drainage. The minimum driveway width shall be eight (8) feet.
 - (4) Required off-street parking areas for ten (10) or more automobiles shall have individual spaces marked.
 - (5) Required off-street parking spaces assigned to one use may not be assigned to another use at the same time.
 - (6) Space shall be provided for the loading and unloading of trucks and commercial vehicles serving commercial buildings.
 - (7) All parking spaces shall be located within 400 feet of property owned by the operator of the business or office. This distance shall be measured from the principal entrance to the building devoted to the use they serve.
 - (8) No portion of any street right-of-way shall be considered as fulfilling or partially fulfilling area requirements for off-street parking required by the terms of this section.
 - (9) The number of off-street parking spaces required by this section shall be the absolute minimum. The property owner shall evaluate his needs to determine if his needs will require more than the specified minimum.
 - (10) Curbs, walls, fences, or similar devices shall be located along the perimeter of parking lots and garages, except at entrances and exits. Such barriers shall be designed and located to prevent parked vehicles from extending beyond property lines, parking lots, and garages and protect public right-of-way and adjoining properties from drainage.
 - (11) When commercial parking lots adjoin land zoned for residential use, there shall be a privacy buffer consisting of fence and/or landscaping approved by the zoning administrator and maintained by the commercial property owner.

(12) All parcels of land used as a public parking area shall be surfaced with asphalt, concrete, or any hard surface approved by the Administrator. Any lights used to illuminate said parking area shall be arranged to reflect light away from any residential district.

(b) Variance. Where, because of exceptional narrowness, shallowness, or shape of a specific piece of property or because of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such part of the property, the strict application of the off-street parking requirements under this section would result in peculiar and unusual practical difficulties to or exceptional or undue hardship upon the owner of such property, there is hereby reserved to the town council the authority to grant, upon an appeal relating to such property, a variance from such strict application of this section to relieve such difficulties or hardships, provided such relief may be granted without substantial detriment to the public good, adjacent properties, and without impairing the intent and purpose of this off-street parking requirement.

Sections 17-7 through 17-10 – Reserved

DIVISION 18. - WIRELESS COMMUNICATIONS FACILITIES

Sec. 18-1. - Purpose and Applicability

This Division intends to encourage the provision of adequate wireless communications services and facilities where the adverse impact on the town is minimal. The requirements of this section govern the siting of wireless communication towers and facilities, including small cell facilities, except as expressly excluded herein. In the case of conflict with Federal or State law, such laws shall supersede the requirements of this Division.

Sec. 18-2. - Construction of New Structures and Towers

- (a) Any new free-standing facility or tower is considered a Major Utility facility and is allowed as a Special Use in the Communication Tower (C-T) district.
- (b) The requirements for the location and construction of all new telecommunications facilities regulated by this Division shall include the following:
 - 1. A new wireless communications facility site shall not be permitted unless the applicant demonstrates to the reasonable satisfaction of the town that existing communications facilities or structures cannot accommodate the applicant's proposed antenna.
 - 2. The proposed structure shall not endanger residents, employees, or visitors' health, safety, and welfare.
 - 3. Communication towers shall either maintain a galvanized steel finish or, subject to any applicable Federal Aviation Administration (FAA) standards, be painted to reduce visual obtrusiveness. Dish antennas will be of a neutral, non-reflective color with no logos.
 - 4. At the wireless communications facility, the design of the buildings and related structures used in conjunction with telecommunications facilities shall, to the extent possible, use

materials, colors, textures, screening, and landscaping that will blend the telecommunications facilities with the natural setting and the built environment.

5. If an antenna is installed on an existing structure, the appearance of the antenna and associated equipment shall be of a color that is identical to, or closely compatible with, the color of the existing structure, or it shall be camouflaged in a manner to make the antenna and related equipment as visually unobtrusive as possible
6. A wireless communications facility or communications tower shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Town may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
7. No advertising of any type may be placed on the wireless communications facility or other structures associated with the facility, except a sign displaying the tower owner's name, registration number, and emergency contact number. The sign shall not exceed ten (10) square feet in size and shall be located on the security fence or other approved location.
8. Prior to using or extending a wireless communications tower, the owner shall have obtained approval of the structural integrity by a qualified engineer, and a copy of such report shall be filed with the Zoning Administrator.
9. To ensure the structural integrity of a wireless communications facility or communications tower, the owner or operator shall ensure that it complies with standards in applicable Federal, State, and local Building Codes and regulations.

(c) The following setbacks and separation requirements shall apply to all new telecommunications facilities:

1. Communications towers shall be setback a minimum of 110 percent of the height of the telecommunications tower from any residential structures, provided this provision shall not apply to monopole towers certified by a structural engineer. Such monopole towers shall comply with the setbacks of the underlying zoning district for principal structures.

2. Any equipment and accessory facilities on site must be located at least twenty-five (25) feet from all property lines or the required setback for principal structures in the zoning district, whichever is greater.

(d) Telecommunications towers and facilities shall be enclosed by security fencing not less than six feet in height.

(e) Maximum tower height shall be 250 feet unless specifically allowed by the special use permit due to topographic conditions within one mile of the proposed wireless communication facility.

Sec. 18-3. - Special Use Application Process

(a) The following items shall be provided as part of the special use permit application:

1. Inventory and contour map of existing facilities within the Town and at least one mile from the corporate limits, including specific information about the location, height, coverage and capacity zones, and the design of each telecommunications facility, telecommunications tower and antenna;
2. Calculations and necessary documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all existing and proposed improvements;
3. Radiofrequency coverage analysis;
4. Height of telecommunications tower with proposed antenna;
5. A visual impact analysis, including digital photos showing “before and after.” construction
6. A co-location analysis showing that the equipment planned for a new tower cannot be accommodated, either due to space, structural capacity, radio interference, or other reasons, on an existing or approved tower located in the Town or within one mile of the corporate limits,
7. The extent to which co-location will be allowed on the new tower in the future, and,
8. Other information deemed by the Town to be necessary to assess compliance with this Division.

Sec. 18- 4. - Removal of Defective or Abandoned Communication Facilities

- (a) The following shall apply to the removal of defective or abandoned wireless communications facilities:
 1. Any antenna, telecommunications tower, or telecommunications facility found to be defective or unsafe shall be repaired to comply with Federal, State, and local safety standards or removed within six months at the owner's expense.
 2. Any antenna, telecommunications tower, or facility that is not operated for a continuous period of 24 months shall be considered abandoned, and the owner of the facility shall remove such telecommunications antenna, tower, or facility within 180 days of receipt of notice from the Town notifying the owner of such removal requirement. Removal includes the removal of the antennas, telecommunications towers, and telecommunications facilities, fence footers, underground cables, and support buildings. The buildings and foundation may remain (with the land owner's approval). Where there are two or more users of a single telecommunications facility or telecommunications tower, this provision shall not become effective until all users cease using the antennas and telecommunications towers.
 3. If the antenna, telecommunications tower and telecommunications facility are not

removed as herein required, the Town may either seek court enforcement of such removal or the Town may, at its discretion, remove the antenna, telecommunications tower and facility at the expense of the owner.

Sec. 18-5. - Supplemental Regulations

- (a) Owners of new towers shall provide the town with co-location opportunities as a community benefit to improve radio communication for Town departments and emergency services, provided it does not conflict with the co-location requirements of this Division.
- (b) All telecommunications towers and antennas must comply with or exceed current standards and regulations of the FAA, the FCC, and any other Federal government agency with the authority to regulate such facilities. If such standards and regulations are changed, the owners of telecommunications towers and antennas governed by this Division shall bring such towers and antennas into compliance with such revised standards as required. Failure to bring telecommunications towers and antennas into compliance with such revised standards and regulations shall constitute grounds for removing the telecommunications towers and antennas at the owner's expense.
- (c) The site plan approved by the town staff shall be valid for a period not to exceed one year. Suppose construction of the wireless communication facility is not completed within 18 months of town approval. In that case, the applicant shall be required to resubmit site plans and request an extension from the planning commission.
- (d) The user shall provide the town with a letter of certification from the design engineers (electrical, structural, and civil) indicating that the wireless communication facility was constructed according to the plans approved by the town. The letter shall be submitted within 30 days of the facility's completion.
- (e) The user shall provide the town with a certified copy of the engineer's annual inspection report, which includes, but is not limited to, the condition of the grounding system, the structural integrity of the facility, any damage incurred over the past year, the condition of the bolts, and a plan to correct any deficiencies, certification that the wireless communication facility is in use for the purpose it was permitted plus evidence of the required surety and the surety is sufficient to cover the demolition of the wireless communication facility. The user shall annually file a certificate of liability and comprehensive insurance policy for \$1,000,000.00.
- (f) Wireless communication facilities erected for use by the town, the Commonwealth of Virginia, or the United States of America may exceed the provisions of this division with documented need.

Sec. 18-6. - Exceptions

Any amateur radio tower which, in combination with one or more affixed antennas, does not exceed 75 feet above the ground shall be exempt from the provisions of this article. Such exempt towers shall, however, be subject to the following location restrictions:

- (a) Towers, tower guys, and associated accessory structures shall meet the same setback requirements as are required for accessory structures in the zoning district in which such

tower, tower guys, and associated accessory structures are located, except that no such tower, tower guys or associated accessory structures may be located in front of the plane of the front wall of the principal building on the lot in any zoning district.

Secs. 18-7. through 18-12. - Reserved.

DIVISION 19 - CORNER LOTS, CUL-DE-SACS, AND IRREGULAR SHAPED LOTS

Sec. 19-1. - Corner Lot, intersection, and public right of way connection Requirements

Unless otherwise specified in this ordinance, the following conditions shall be met on all corner lots or any connection to a public right-of-way, including public and private parking lots.

1. A sight distance triangle shall be observed at all times that consists of a minimum distance of twenty-five (25) feet where no structure, plantings, or signage may be erected that may block sight distances at any intersections or connections to any public right-of-ways of any motorists or pedestrians. See illustrations 19-1(a) and 19-1(b) below.
2. All fencing on corner lots must be chain-linked or similar. Any other type of fencing where clear and unobstructed vision is not permitted shall be prohibited. All fencing on corner lots must be maintained so that vegetation does not grow up through the fencing material that could block sight distances.
3. No fencing may be higher than forty-two (42) inches on the portions of the corner lots that adjoins the streets.

Illustration 19-1 (a)

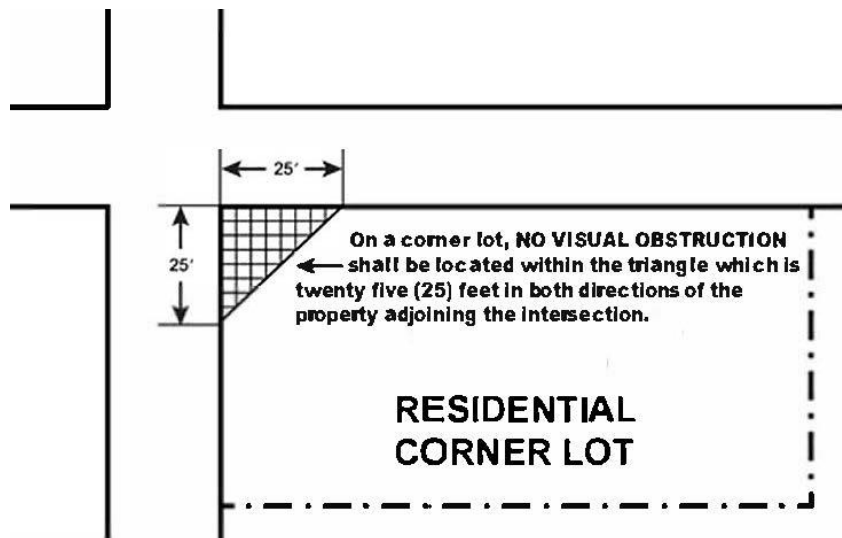
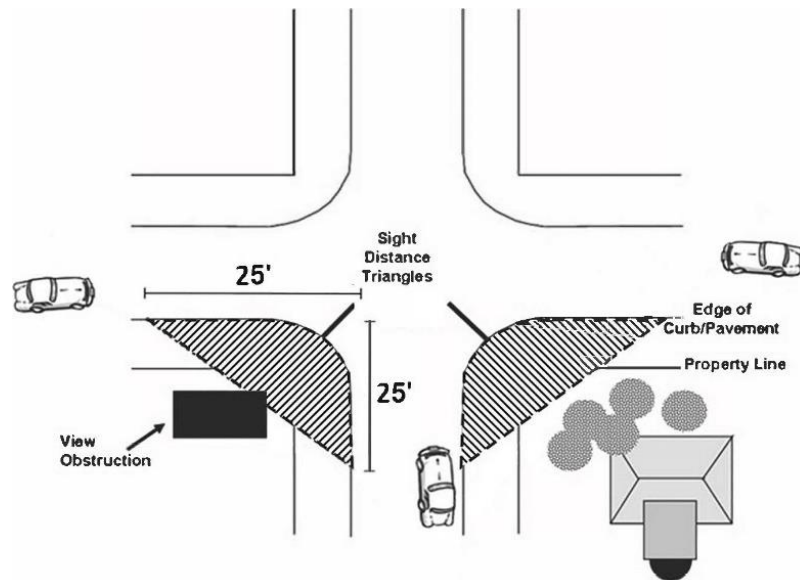


Illustration 19-1(b)



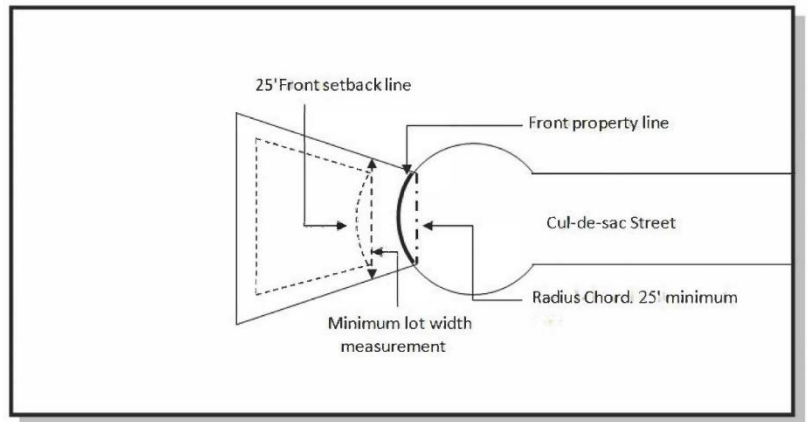
4. Every connection, including public and private parking lots that connect to a street right-of-way shall be required to meet the same sight distance triangle illustrated in 19-1(a) and 19-1(b) above.

Sec. 19-2. - Cul-de-sac Requirements

All properties that adjoin a cul-de-sac right-of-way shall meet the following requirements.

1. All properties shall have a minimum of twenty-five (25) feet of road frontage as measured in a straight line along the radius chord. See illustration 19-2(a).
2. The lot width shall be measured from the setback line.
3. The front yard setback shall be measured along the same radius as the cul-de-sac.
4. The lot must contain the required area for the district in which it is located.

Illustration 19-2(a)

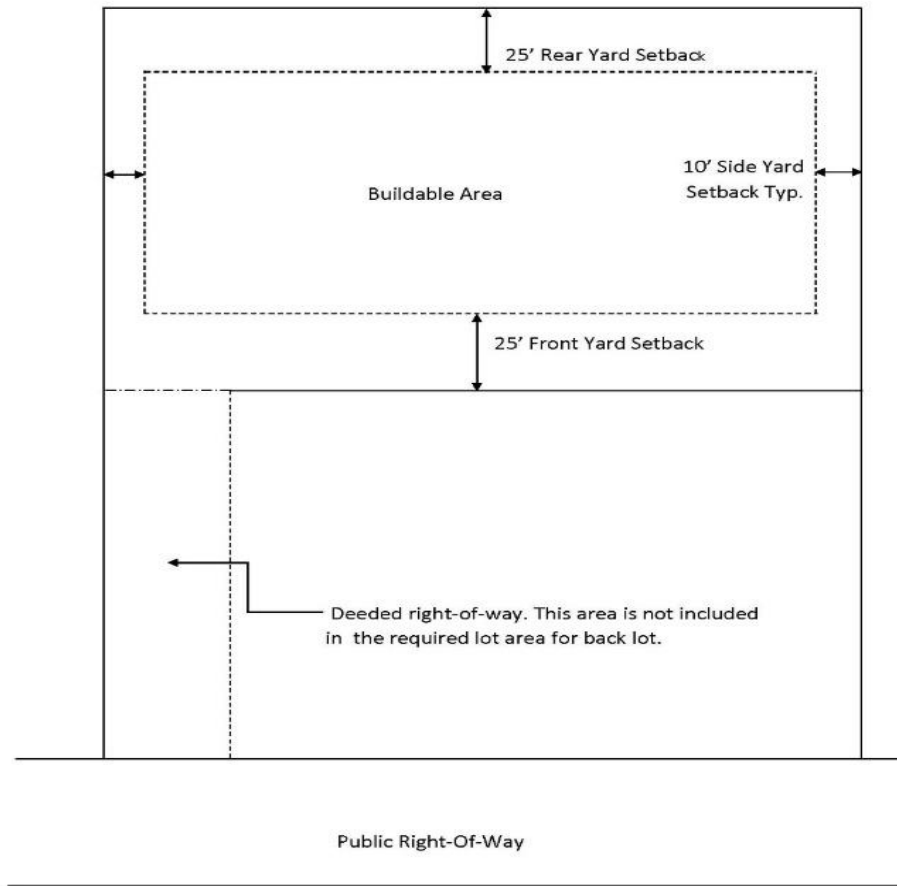


Sec. 19-3. - Irregular shaped lot Requirements

All irregularly shaped lots in the Town of Marion must follow the following guidelines.

1. Flagpole or pipestem properties (as illustrated in 19-3(a)) are prohibited in the Town of Marion, unless a 20' deeded right-of-way has been recorded at the Smyth County Courthouse and proof of the deed can be supplied to the zoning administrator.
2. If proof of the recorded easement or right-of-way can be proved, then the following illustration demonstrates the required setback for the flagpole or pipestem property.

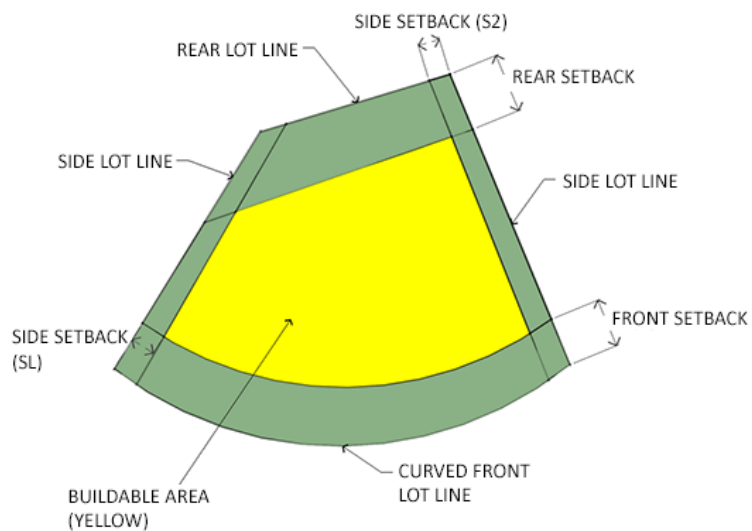
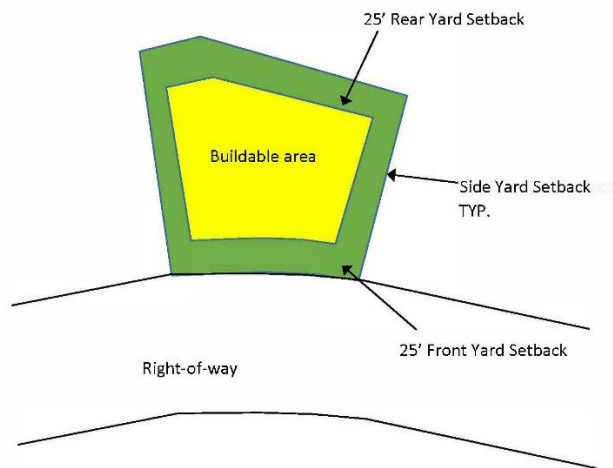
Illustration 19-3(a)

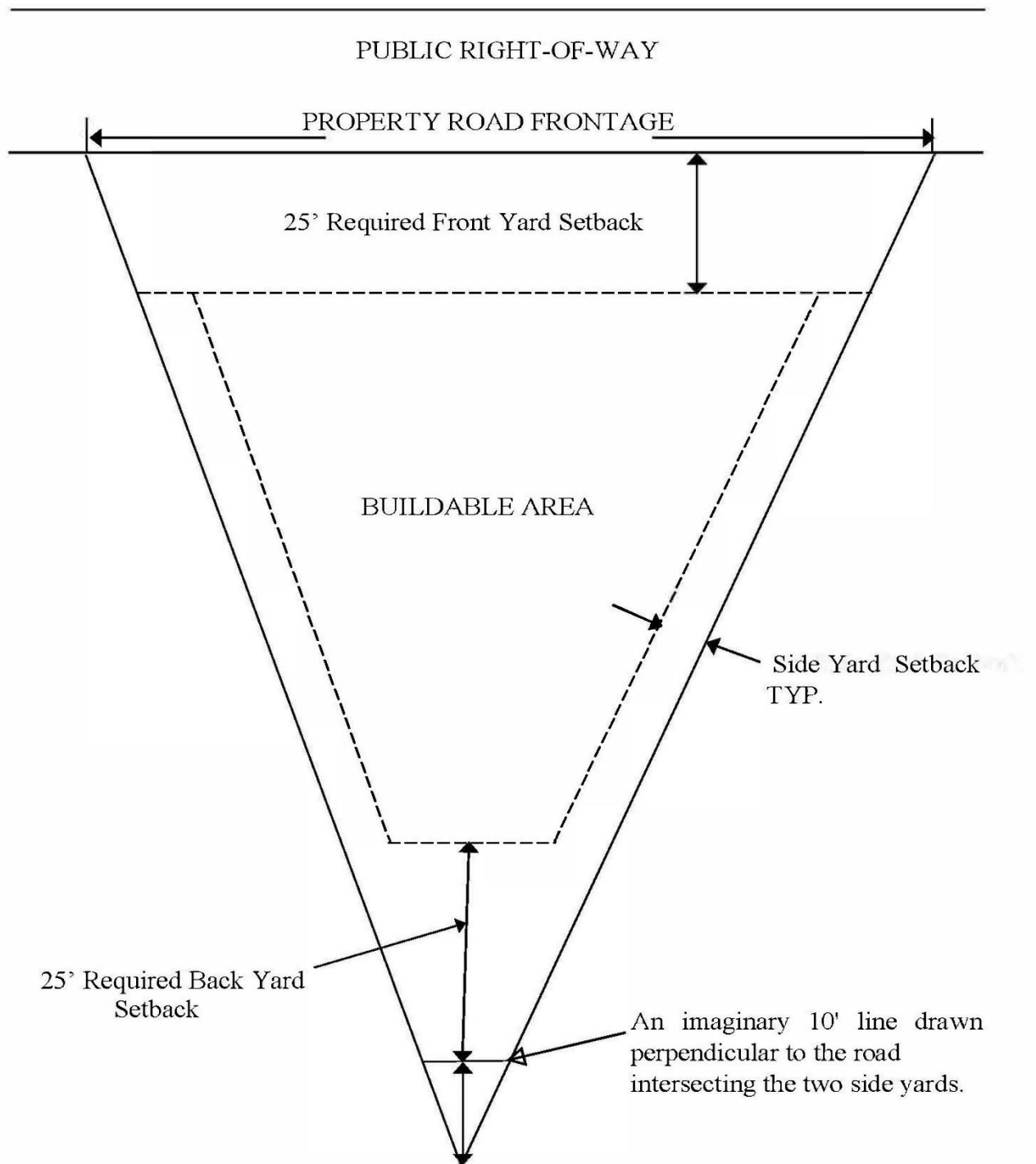


Sec. 19-4. - Buildable Areas of Irregular shaped lots

1. Each lot inside the Town of Marion must meet the area requirements of the district that it is located in.
2. Each lot must meet all setbacks.
3. Each lot must meet road frontage requirements unless it is a development with a perpetual maintenance or HOA plan agreed on with the residence.
4. The front yard shall be determined by the 911 addressing for through lots and corner lots.

The following illustrations demonstrate buildable areas for different types of lot shapes.





Appendix

Fee Schedule:

Water / Sewer / Garbage Collection:

Fee	Inside Corporate Limits	Outside Corporate Limits
Water Tap	¾" or 1" Service \$900.00	¾" or 1" Service \$1,100.00
Water Usage	First 2,000 Gallons \$17.18 Minimum	First 2,000 Gallons \$34.31 Minimum
	Over 2,000 Gallons \$10.91 per 1,000 Gallons	Over 2,000 Gallons \$21.73 per 1,000 Gallons
Water Deposit (Renters)	\$50.00	\$50.00
Water Charges for Schools	\$4.71 per 1,000 Gallons	\$4.71 per 1,000 Gallons
Water Charges for County Meters by Contract		\$5.00 per 1,000 Gallons
Residential Sewer Tap	4" Sewer \$900.00	4" Sewer tap \$1,100.00
Sewer Usage	First 2,000 Gallons \$17.18 Minimum	First 2,000 Gallons \$34.31 Minimum
	Over 2,000 Gallons \$10.39 per 1,000 Gallons	Over 2,000 Gallons \$20.71 per 1,000 Gallons
Mobile Septic Truck Dump Monday-Friday 7 a.m.- 2 p.m.	.12 cents per Gallon	
Mobile Septic Truck Dump Saturday - Sunday 7 a.m.- 11 a.m.	.18 cents per Gallon	
Residential Garbage Collection	\$17.00 / Month	
Commercial Garbage Collection	\$65.00 / Month	

** Please note: All other specialty water and sewer tap fees not specifically designated above will be calculated on a case by case basis comprised of actual labor, materials, and equipment costs. The Town will provide an estimate of the fee, but the invoice will be charged on the actual costs incurred.

Permits / Applications:

Permit	Fee
Residential Zoning Permit	\$75.00
Commercial Zoning Permit	\$175.00
Sign Permit	\$75.00
Special Use Permit	\$400.00
Re-Zoning Request Application	\$400.00
Variance Request Application	\$400.00

** Please note: Any permit or application that requires advertisement will be a minimum of \$400.00. All other applications will be calculated on a case by case basis. The Town will provide an estimate of the fee, but the invoice will be charged on the actual costs incurred.

Tax:

Tax	Fee
Cigarette Tax	.40 cents per pack
Personal Property Tax	.40 cents per \$100.00 of the value

Vehicle Decals	\$25.00
Real Estate Tax	.17 cents per \$100.00 of the value
Lodging Tax	8% of gross receipts
Meals Tax	7% of gross receipts on prepared food

Business Licenses (BPOL)

Business Type	Fee
Professional License	.40 cents per \$100.00 of gross receipts
Retail License	.20 cents per \$100.00 of gross receipts
Contractor License	.16 cents per \$100.00 of gross receipts
Business License Minimum	\$30.00

Miscellaneous (**Pending)

Residential Rental Inspection Fee	\$75.00 per inspection
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