



TOWN OF HAYMARKET PLANNING COMMISSION

WORK SESSION
~ AGENDA ~

Emily Lockhart, Town Planner
<http://www.townofhaymarket.org/>

15000 Washington Street, Suite 100
Haymarket, VA 20169

Monday, December 21, 2020

6:00 PM

Council Chambers

I. Call To Order

II. Work Session - Zoning Text Amendment

1. Zoning Document with Proposed Edits

III. Adjournment

Sec. 58-1.2 - Purpose.

To promote the health, safety or general welfare of the public and further accomplish the objectives of Code of Virginia, § 15.2-2200, this chapter is adopted as the zoning and subdivision ordinance of the Town, together with the zoning map. This chapter has been designed to:

- ~~2. Protect approach slopes and other safety areas of licensed airports.~~
- ~~2. Provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard.~~

Sec. 58-1.5 - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Where terms are not defined, they shall have their ordinarily accepted meaning, or such as the context may imply.

~~Agent — One who represents another, called the principal, in dealings with third persons. The agent undertakes some business by authority of the principal. The principal is the property owner.~~

~~Aviation facility — also referred to as an airport; Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.~~

~~Cabaret, adult — A building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specified sexual activities or specified anatomical areas for observation by patrons therein.~~

~~Cluster development — A development design technique that concentrates buildings on a part of a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive features.~~

~~Cluster subdivision — A development that may allow for a reduction in lot area and bulk requirements, and may provide for an increase in the number of lots permitted under a conventional subdivision (an increase in overall density of development), in proportion to the remaining land area that is devoted to open space.~~

~~Cottage — A single, permanent detached dwelling unit, which may or may not contain cooking and bathroom facilities, dedicated to temporary occupancy for purposes of recreation, education, or vacation. Rental properties meeting the above description shall be considered cottages.~~

~~Dark sky lighting — A term that refers to shielded light fixtures that cast light downward and generally conform to the specifications endorsed by the International Dark-Sky Association (IDA).~~

~~Dwelling, two-family — also referred to as a duplex; The use of an individual lot for two dwelling units~~

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~~which share at least one common wall, each occupied by one family, that separates living space (i.e., living room, kitchen, bedroom, bathroom, etc.). Each dwelling unit may be vertically stacked. The exterior appearance of the whole resembles a single structure.~~

~~Entertainment establishment, adult — Any adult cabaret, adult motion picture theater, adult videoviewing or arcade booth, or adult book store; also referred to as a sexually oriented business.~~

~~Fair market value — The price at which property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell and both having reasonable knowledge of relevant facts.~~

~~Full cutoff luminaire — An outdoor light fixture shielded in such a manner that all light emitted by the fixture is projected below the horizontal plane; also a type of dark sky lighting.~~

~~Golf course — A tract of land for playing golf, improved with tees, greens, fairways, hazards, and which may include clubhouses and shelters. Included would be executive or par 3 golf courses. Specifically excluded would be independent driving ranges and any miniature golf course. See Commercial outdoor sports and recreation.~~

~~Greenway — A corridor of open space managed for conservation, recreation, and non-motorized transportation. Greenways often follow natural geographic features such as ridge lines, stream valleys, and rivers, but may also be built along canals, utility corridors, abandoned rail lines, and the like. Greenways may include a trail or bike path or may be designed strictly for environmental or scenic protection.~~

~~Historic area — An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation.~~

~~Media, adult — Magazines, books, videotapes, movies, slides, CD-ROMs, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.~~

~~Specified anatomical areas —~~

~~(1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and~~

~~(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.~~

~~Specified sexual activities — Human genitals in a state of sexual stimulation, arousal, acts of human masturbation, sexual intercourse, sodomy, fondling, or other erotic touching of human genitals, pubic region, buttock, or female breast.~~

~~Store, adult — An establishment that: offers for sale or rent items from any of the following categories: (a) adult media, (b) sexually oriented goods, or (c) goods marketed or presented in a context to suggest their use for specified sexual activities; and the combination of such items constitutes more than 15 percent of its stock in trade or occupies more than 15 percent of its gross public floor area; and where there is no on-site consumption of the goods, media or performances for sale or rent.~~

~~Video viewing booth or arcade booth, adult — An enclosure designed for occupancy by no more than five persons, used for presenting motion pictures or viewing publications by any photographic,~~

~~electronic, magnetic, digital, or other means of media, or live performances or lingerie modeling, for observation by patrons therein.~~

Sec. 58-6.1 - Minimum off-street parking and loading.

(a) Minimum standards. At the time of erection of any main building, or at the time any main building or its accessory uses is enlarged or the use changed, all provisions of article XIII shall be met along with minimum required off-street parking and loading space with adequate provision for entrance and exit of motor vehicles, in accordance with the following table. Modifications to these requirements may be approved if shared parking is provided in accordance with sec. 58-6.1(b).

~~(b) Shared parking. The minimum required parking spaces may be reduced if a land owner can provide parking that will be shared by complementary adjacent land uses. Such a proposal must be prepared using the methods set forth in the latest edition of the Shared Parking Manual of the Urban Land Institute (ULI). The necessary calculations and other data that show the suitability of a shared parking proposal must be submitted to the Town in conjunction with a site plan or other applicable development application, and will be evaluated by the Town as part of the normal application review process.~~

Sec. 58-7.2 - Use regulations.

In residential district R-1, the following uses are permitted by-right:

Residential

~~Accessory apartment~~

Family health care structure, temporary

Group home

Guest room

Single family detached

Commercial

Business, short-term rental (STRB)

Family day home

Home occupation, Class A

Civic

Religious assembly

Miscellaneous

Amateur radio antenna

Garage, private

Greenhouse

Recreation facility, private

Utility service minor

Sec. 58-7.3 - Special uses.

The following uses may be permitted in the R-1 district with a special use permit:

Residential

~~Cottage~~

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Civic

Civic use
Educational facility, primary/secondary
Recreation facility, public

Commercial

Bed and breakfast
Life care facility

Miscellaneous

Parking facility
~~Utility service, major~~

Sec. 58-8.3 - Special uses.

The following uses may be permitted in the R-2 district with a special use permit:

Residential

~~Cottage~~

Civic

Civic use
Club
Educational facility, primary/secondary

Commercial

Bed and breakfast
~~Home~~ occupation, Class B

Miscellaneous

Parking facility
~~Utility service, major~~

Sec. 58-9.2 - Use regulations.

In the transitional commercial district, the following uses shall be permitted by-right:

Residential

Accessory apartment
Group home
Guest room
Single-family dwelling, attached
Townhouse

Civic

Civic use
Cultural services
Educational facility, primary/secondary
Recreation facility, public
Religious assembly

Commercial

Bed and breakfast
Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)
Business or trade school
Business, short-term rental (STRB)
Communications service
Consumer repair service
Day care center
Farmer's market
Greenhouse, commercial
Guidance services
Home occupation, Class A
Life-care facility
Nursing home
Office, general
Office, medical
Personal improvement services
Personal services
~~Restaurant, general~~
Restaurant, mobile
Restaurant, small
Store, general
~~Store, grocery~~
~~Store, neighborhood convenience~~
Studio, fine arts

Miscellaneous

Parking facility
Utility service, minor

Sec. 58-9.3 - Special uses.

The following uses may be permitted in the transitional commercial district with a special use permit:

Residential

~~Two-family dwelling~~

Civic

Recycling center

Commercial

~~Automobile repair service~~
Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)
~~Cemetery~~
Commercial indoor amusement
Commercial indoor entertainment
Commercial outdoor entertainment
Commercial indoor sports and recreation

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Commercial outdoor sports and recreation
Financial institution
Funeral home
Garden center
Halfway house
Home occupation, Class B
~~Hotel~~
Veterinary hospital/clinic

Sec. 58-10.2 - Use regulations.

The following uses shall be permitted in the B-1 district by-right:

Residential

Accessory apartment
Guest room

Civic

Civic use
Club
Cultural services
Educational facility, primary/secondary
Recreation facility, public
Shelter

Commercial

Bed and breakfast
Brewery (500 barrels or less annually) or Distillery (5,000 gallons or less annually)
Business, short-term rental (STRB)
Business support service
Communications service
Consumer repair service
Day care center
Farmer's market
Financial institution
Hotel
Office, general
~~Office, medical~~
Personal improvement services
Personal services
Restaurant, general
Restaurant, mobile
Restaurant, small
Store, general
Store, grocery
Store, liquor
Store, neighborhood convenience
Studio, fine arts
Veterinary hospital/clinic

Miscellaneous

Utility service, minor

Sec. 58-10.3 - Special uses.

The following uses may be permitted in the B-1 district with a special use permit:

Residential

Multi-family dwelling

Townhouse

Civic

Educational facility, college/university

Emergency shelter

Public assembly

Recycling center

Refuse collection site

Religious assembly

Commercial

Brewery (over 500 barrels annually) or Distillery (over 5,000 gallons annually)

Business or trade school

Custom manufacturing

Funeral home

~~Office, medical~~

Restaurant, fast food

Miscellaneous

Outdoor gathering

Parking facility

Sec. 58-10.7 - Height regulations.

Permitted uses in the B-1 district may be erected up to ~~50~~ 35 feet in height from grade: building not more than ~~four~~ three stories above grade. Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls may be permitted per the building code above the height of the building on which the walls rest.

Sec. 58-11.3 - Special uses.

The following uses may be permitted in the B-2 district with a special use permit:

Residential

~~Multi-family dwelling~~

Townhouse

Civic

Educational facility, college/university

Emergency shelter

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Public assembly
Public maintenance and service facility
Recycling center
Refuse collection site
Religious assembly

Commercial

Automobile rental/leasing
Automobile repair service
Bed and breakfast
Business or trade school
Car wash
Commercial outdoor entertainment
Commercial outdoor sports and recreation
Commercial vehicle repair service
Construction sales and service
Custom manufacturing
Equipment sales and rental
Funeral home
~~Hospital~~
Restaurant, drive-in
Tattoo Parlor and/or body piercing salon
Industrial
Warehousing and distribution

Miscellaneous

Outdoor gathering

Sec. 58-11.7 - Height regulations.

Buildings in the B-2 district may be erected up to a height of 50 35 feet. ~~For buildings over 50 feet in height, approval shall be obtained as a special use.~~ Chimneys, flues, cooling towers, flagpoles, radio or communication towers, or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls may be permitted per the building code above the height of the building on which the walls rest.

Sec. 58-12.6 - Height regulations.

Buildings in the I-1 district may be erected up to a height of 35 feet. ~~For buildings over 50 feet in height, approval shall be obtained as a special use.~~ Chimneys, flues, cooling towers, flagpoles, or their accessory facilities not normally occupied by workers are excluded from this limitation. Parapet walls may be permitted per the building code above the height of the building on which the walls rest.

Sec. 58-13.3 - Setback regulations.

Structures in the C-1 district shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or 50 feet or more from the center of any street right-of-way less than 50 feet in width. This shall be known as the setback line.

Sec. 58-13.4 - Frontage regulations.

For permitted uses in the C-1 district, the minimum lot width at the setback line shall be 75 feet or

more.

Sec. 58-13.5. - Yard regulations.

- (a) Side. The minimum side yard for each main structure in the C-1 district shall be ten feet, and the total width of the two side yards shall be at least 20 feet.
- (b) Rear. Each main structure shall have a rear yard of 25 feet.

Sec. 58-13.6 - Height regulations.

- (a) Permitted uses in the C-1 district may be erected up to 35 feet in height from grade: building not be more than three stories above grade.
- (b) Accessory buildings more than five feet from any lot line in the R-1 district may be erected to a height no more than 15 feet above grade.

Sec. 58-7-11. - Maximum lot coverage.

The maximum lot coverage shall be 30 percent.

Sec. 58-15.5 - Prohibited signs.

The following signs are prohibited:

- (a) Flashing Signs or signs lighted in a varying degree including strobe lights. For the purposes of this article, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.
- (b) Moving or Rotating Signs.
- (c) Portable Signs with the exception of A-frame Signs.
- (d) Off-premises signs.
- (e) Inflatable signs.
- (f) Signs or parts of a sign located anywhere on the roof or wall of a building so that they shall extend above or beyond the perimeter of the building's roof, wall or parapet wall or into a front, side or rear yard setback.
- (g) Signs illuminated with sodium halide lights; and any illuminated sign that emits lighting levels in excess of the limitation.
- (h) Electronic message boards.
- (i) Abandoned sign structures.
- (j) Changeable copy signs, except as specifically permitted by this Zoning Ordinance.
- (k) Any signs, including posters and handbills, affixed to any structures, trees or other natural vegetation, rocks or poles.
- (l) Any sign that may be confused with or obstruct the view of any authorized traffic sign or signal, or obstruct the sight-distance triangle at any road intersection, or extend into the public right-of-way or otherwise create a distraction for drivers.
- (m) Portable signs, including those on wheels, except A-Frame/sandwich boards.
- (n) Signs that prevent free ingress or egress from any door, window, fire escape, or that prevent free access from one part of a roof to any other part or otherwise adversely affect safety or are in violation of any building code or other applicable law.
- (o) Signs that emit smoke, visible vapors, particles, normally detectable sound or odor shall not be permitted, including open flames used to attract public attention.
- (p) Mirrors or mirror devices on, in, or as part of a sign.

~~(q) Parasail Signs.~~

Sec. 58-17.7 Landscape features.

~~(a) There shall be no planting, structure, fence, retaining wall, shrubbery or obstruction to vision in violation of AASHTO standards.~~

(a) Trees, shrubs, flowers or plants shall not be permitted or maintained on any required front, side or rear yard if they interfere with the safe use of the public street or sidewalk. Such landscape features shall be permitted in any required front, side or rear yard, provided they do not interfere with public safety and do not produce a hedge effect contrary to subsection (a) of this section.

(b) The setback and yard requirements of this chapter shall not be deemed to prohibit any otherwise lawful fence or wall which is not more than four feet high; however, a fence or wall along the rear lot line and along the side lot line to the rear of the required setback line may be erected to a height not exceeding six feet when erected between residential uses and to a height not exceeding seven feet when erected either between non-residential uses or between non-residential and residential uses. This provision shall not be deemed to allow any wall more than three feet high. This provision shall be interpreted to prohibit any open-mesh-type fence enclosing any school or playground.

Sec. 58-19.2 – Commercial Uses.

(h) Additional standards for the B1 district:

(1) Any new buildings shall be street-oriented with pedestrian entrances from the street, and compatible with the surrounding development.



{j}

~~Entertainment Establishment, adult (Sexually Oriented Business).~~



{1}

~~*Purpose.* It is a purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the Town. The requirements of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material.~~

{2}

~~*Findings and rationale.* Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the Town Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v. Bellanca*, 452 U.S. 714 (1981); and *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *Independence News, Inc. v. City of Charlotte*, 568 F.3d 148 (4th Cir. 2009); *McDoogal's East, Inc. v. County Comm'rs of Caroline County*, 341 F. App'x 918 (4th Cir. 2009); *Allno Enters., Inc. v. Baltimore County*, 10 F. App'x 197 (4th Cir. 2001); *Steakhouse, Inc. v. City of*~~

Attachment: ztchanges (ekl-v2)_AMB edits 12-14-20 (4814 : Zoning Document with Proposed Edits)

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Raleigh, 166 F.3d 634 (4th Cir. 1999); *D.G. Restaurant Corp. v. City of Myrtle Beach*, 953 F.2d 140 (4th Cir. 1991); *Wall Distributors, Inc. v. City of Newport News*, 782 F.2d 1165 (4th Cir. 1986); *Boyd v. County of Henrico*, 42 Va. App. 495, 592 S.E.2d 768 (2004) (en banc); and *Peek-a-Boo Lounge of Bradenton, Inc. v. Manatee County*, F.3d 2011 WL 182819 (11th Cir. Jan. 21, 2011); *Flanigan's Enters., Inc. v. Fulton County*, 596 F.3d 1265 (11th Cir. 2010); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *For the People Theatres of N.Y., Inc. v. City of New York*, 793 N.Y.S.2d 356 (N.Y. App. Div. 2005); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005); and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas—1986; Indianapolis, Indiana—1984; Garden Grove, California—1991; Houston, Texas—1983, 1997; Phoenix, Arizona—1979, 1995-98; Chattanooga, Tennessee—1999-2003; Los Angeles, California—1977; Whittier, California—1978; Spokane, Washington—2001; St. Cloud, Minnesota—1994; Littleton, Colorado—2004; Oklahoma City, Oklahoma—1986; Dallas, Texas—1997; Ft. Worth, Texas—2004; Kennedale, Texas—2005; Greensboro, North Carolina—2003; Amarillo, Texas—1977; Jackson County, Missouri—2008; Louisville, Kentucky—2004; New York, New York Times Square—1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas—2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Social Change and Crime Rate Trends: A Routine Activity Approach," 44 American Sociological Review 588-608 (1979); Duncan Associates, Survey of Florida Appraisers (2007); Texas City Attorneys Association, Survey of Texas Appraisers and Crime-Related Secondary Effects (2008); "Background Analysis and Recommendations: Zoning Amendments Related to Sex Businesses," Manassas, Virginia—2010; and "Everything You Always Wanted to Know About Regulating Sex Businesses," American Planning Association, 2000, the Town Council finds:

a.

Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, declining property value, urban blight, litter, and sexual assault and exploitation.

b.

~~Sexually-oriented businesses shall be separated from sensitive land uses, including schools, churches, parks, libraries, public recreation areas, and residential areas, to minimize the impact of their secondary effects upon such uses and shall be separated from other sexually-oriented businesses to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.~~

~~c.~~

~~Each of the foregoing negative secondary effects constitutes a harm, which the Town has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the Town's rationale for this chapter, exists independent of any comparative analysis between sexually-oriented and non-sexually-oriented businesses. Additionally, the Town's interest in regulating sexually-oriented businesses extends to preventing future secondary effects of either current or future sexually-oriented businesses that may locate in the Town. The Town finds that the cases and documentation relied on in this chapter are reasonably believed to be relevant to said secondary effects.~~

~~(3)~~

~~The Town hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually-oriented businesses, including the judicial opinions and reports related to such secondary effects. The following general standards shall apply to all adult entertainment establishments:~~

~~a.~~

~~Distances specified in this section shall be measured from the property line of one use to the property line of the other. The distance between an adult entertainment establishment 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 residential zoning district.~~

~~b.~~

~~An adult entertainment establishment shall be located at least 350 feet from any religious assembly, education facility, public recreational facility, day care center, public assembly, cultural services, home for adults, life care facility, or residential zoning district in existence on the date on which the establishment obtains its zoning permit.~~

~~c.~~

~~Any protected use listed in subsection (2)b of this section may begin operation within 350 feet of a sexually-oriented business only if the owner of the protected use, in addition to any other requirements of this Code, gives the Town a written statement that it acknowledges the presence of the sexually oriented business(es) and voluntarily waives the protection of subsection c. of this section as to the sexually-oriented business(es) for as long as the sexually-oriented business(es) or any successor thereto remains. This written statement does not waive the protection of this section as to any sexually-oriented business established or relocated after the written statement. If a sexually-oriented business is discontinued for a period of two years or more, then it must comply with the setback requirements of this section regardless of any such written statements by protected uses.~~

~~d.~~

~~No adult entertainment establishment shall be located within 1,000 feet of any adult store or other adult establishment.~~

~~e.~~

~~No adult entertainment establishment shall display adult media, depictions of specified sexual activities or specified anatomical areas in its window, or in a manner visible from the street, highway, or public sidewalk, or the property of others. Window areas shall remain transparent.~~

~~f.~~

~~Exterior lighting shall be installed in accordance with section 58-18.15 of this chapter to illuminate the parking area, walkways, and all entrances to the establishment.~~

~~g.~~

~~Hours of operation shall not extend after 1:00 am~~

Additional Text Revisions / Amendments to be considered:

1. Crematoriums. Crematory definition and funeral home definition update, passed in 2019, needs to ensure the definition is/was included in latest update
2. Accessory Apartments. Definition update for the Commercial, B-1 zoning district, needed to ensure the definition is/was included in latest update
3. Curb and Gutter / Sidewalks. Require for all new developments along all public streets? All redevelopments along public streets?
4. Parking calculations. Should be reevaluated, to include a discussion of shared parking agreements.
5. Landscape Plans. To reviewed by Planning Commission? Reviewed by the Architectural Review Board? PC and ARB also review requests to reduce / provide alternative buffer yards.
6. Administrative Approvals vs. Board Approvals. Have a full discussion with PC, ARB and TC. For example, many applications also require HOA approval and would be simple administrative approvals, current ZT requires an additional Board approval.
7. Board Membership. Consider whether to amend the membership of the ARB to include property / business owners in addition to residents.
8. Period of Validity for Zoning Permits / Certificates of Appropriateness. Consider whether or not to reinstitute an expiration of such applications. Previously, COA's expired after one year if not diligently pursued.
9. Datacenters
10. Add housing units per acreage in definitions
- 11.