

## **ARTICLE VI. RESIDENTIAL DISTRICTS**

### **DIVISION 2. STANDARDS FOR SPECIFIC USES**

#### **Sec. 42-194. Compliance.**

The uses identified in this division wherever permitted in a residential district shall conform to the standards set forth in this division, unless otherwise specifically modified in the provisions authorizing such use in a district.

(Ord. of 9-21-2006, § 3-1(b))

#### **Sec. 42-195. Accessory apartments and semi-independent dwelling units.**

Accessory apartments and semi-independent dwelling units are subject to the following standards:

- (1) No such accessory apartment or dwelling unit shall exceed 40 percent of the floor area of the principal dwelling or 1,200 square feet, whichever is less. The floor area of the accessory apartment or semi-independent dwelling unit shall not be required to be less than 500 square feet.
- (2) Accessory apartments and semi-independent dwelling units shall be permitted only on lots served by public sewer. Accessory units not located within the principal structure shall be served by separate water and sewer services.
- (3) A semi-independent dwelling unit shall be permitted only on a lot meeting the minimum requirements of the zoning district. Accessory apartments shall be permitted only on a lot meeting the minimum requirements of the zoning district and a minimum lot area of 8,000 square feet.
- (4) Not more than one accessory apartment or semi-dwelling unit shall be located on a lot.
- (5) Each accessory apartment shall have private kitchen, bath and toilet facilities. Semi-independent dwelling units shall have private bath and toilet facilities but shall not contain a full kitchen.
- (6) Accessory units may be located within an accessory building or principal structure.
- (7) One parking space per bedroom shall be provided on site for each bedroom of the accessory apartment or semi-independent dwelling unit in addition to the parking required for the principal dwelling.
- (8) A zoning permit is required.

(Ord. of 9-21-2006, § 3-1(b)(i))

#### **Secs. 42-196—42-198. Reserved.**

#### **Sec. 42-199. Home occupations.**

Home occupations may be conducted in a residence provided:

- (1) Residents of the dwelling and one nonresident employee shall be permitted to be engaged in a home occupation business, provided that for child care homes, not more than two staff caregivers, as required by and subject to the regulations of 22 VAC 40-180-110 of the Virginia Administrative Code, who are not residents of the dwelling shall be engaged or employed in the home occupation business.
- (2) The use of a dwelling for home occupations 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 may 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. Internal alterations or construction modifications not customary on dwellings shall be prohibited.
- (4) No outside storage shall be used in conjunction with the home occupation.
- (5) Signs shall not be permitted.
- (6) The preparation of food or the hand manufacture of other products is permitted if it complies with other standards in this section.
- (7) No goods, products or commodities made on the premises or bought or secured for the express purpose of resale shall be sold on the premises directly to customers who come to the premises. This prohibition does not apply to the sale of goods, products or commodities over the internet from the premises by residents of the premises in which case customers do not come to the premises.
- (8) No traffic shall be generated by such home occupation in greater volume than would normally be anticipated in a residential neighborhood. No expansion of parking areas on the site shall be permitted for home occupation activity.
- (9) Deliveries or pickups shall be allowed only between the hours between 9:00 a.m. and 6:00 p.m. Not more than two trips per day shall be permitted for such purposes. Regular pickups and deliveries shall not be made by tractor-trailer trucks.
- (10) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond limits of the parcel of property. 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 off the premises, or causes fluctuations in line voltage.
- (11) No hazardous materials may be manufactured, stored, processed or disposed of on the premises.
- (12) Persons conducting a home occupation shall obtain a business license and pay the business license tax as described in article IV of chapter 18, business license taxes.
- (13) An application for home occupation shall be completed by the applicant and approved by the zoning administrator prior to the commencement of the home occupation.

(Ord. of 9-21-2006, § 3-1(b)(v); Ord. No. 2017-05-0002, 5-11-2017)

**Sec. 42-200. Temporary dwellings.**

The zoning administrator shall accept applications permitting the erection and occupancy of a temporary dwelling during the construction of a dwelling on the same lot and shall refer the applicant for a permit for such temporary dwelling to the town council for special exception action. In such cases, the town council may specify appropriate conditions and requirements to be applied to the permit, in which event the permit shall be subject to such conditions and requirements. No temporary dwelling permit shall be issued for more than 12 months.

(Ord. of 9-21-2006, § 4-9)

**Sec. 42-201. Limitations on parking of trucks in residential districts.**

No trucks with rated capacity of 1½ tons or greater, or with a bed the size of seven feet wide, nine feet long and six feet wide, or greater, shall be parked in any residential district in any location.

(Ord. of 9-21-2006, § 4-13)

**Sec. 42-202. Large lot communities.**

The following standards shall apply to large lot communities:

- (1) The total number of lots permitted in any large lot community shall not exceed 25. Not more than two contiguous large lot communities shall be permitted.
- (2) The minimum lot size within the large lot community is 8,000 square feet, exclusive of floodplain and wetlands, and the average lot size within the community shall not be less than 12,000 square feet.
- (3) The minimum lot width at the front setback line shall be 80 feet.
- (4) A front yard setback of at least 25 feet shall be provided for the principal structure and shall not exceed 40 feet.
- (5) The minimum total width of side yards shall be 25 feet, with a minimum side setback of 12 feet.
- (6) A minimum rear yard of 25 feet shall be provided.
- (7) Accessory structures shall be subject to the same setbacks as the principal structure.
- (8) Length/width ratio: 3.0:1 maximum.
- (9) Building height: 30 feet maximum. No accessory structure shall exceed the height of the principal structure.
- (10) Minimum open space area: none required.
- (11) Lot coverage: the aggregate lot coverage by all buildings shall not exceed 3,000 square feet.
- (12) Permitted uses and conditionally permitted uses shall be in accordance with section 42-234.
- (13) All utility distribution lines shall be located underground.

(Ord. of 9-21-2006, § 3-1(b)(viii))

**Sec. 42-203. Reserved.**

**Sec. 42-204. Model homes.**

Model homes are permitted subject to the following provisions:

- (1) The use may be located in any zoning district that includes a residential use, provided such use is located within the recorded subdivision it serves. It may incorporate a sales office.
- (2) The use must conform to all applicable requirements of this chapter.
- (3) The use is permitted until the issuance of the last occupancy permit within the subdivision it serves.
- (4) The town may require a bond as appropriate to ensure that the atypical features, including, but not limited to, utilization of the garage for a sales office, will be removed or brought into conformance with residential building code requirements prior to conversion of the unit for residential occupancy.
- (5) Two off-street parking spaces shall be provided on the lot where the use is located for the public and these spaces include the required handicapped space. The use must comply with any requirements that apply for handicapped parking for commercial office use.
- (6) All signs must comply with applicable chapter provisions.
- (7) The zoning administrator shall review and approve or deny a request for a temporary model home permit. In assessing a request for a temporary model home permit, the zoning administrator shall determine the appropriate number of model homes for the site, the need for and design of landscaping, and any other amenity that the administrator shall deem in the interest of protecting adjacent residential property (zoned, planned or in use); consider the location and its effects on the surrounding neighborhoods and/or adjoining property owners; and may require terms and conditions on the location and placement, type and number of model homes, screening, and other reasonable conditions.
- (8) The use shall be located on a lot as close to a collector street or arterial road (as defined by the Virginia Department of Transportation) as possible.

(Ord. of 9-21-2006, § 3-1(b)(x))

**Secs. 42-205—42-232. Reserved.**

**ARTICLE VII. COMMERCIAL AND LIGHT INDUSTRIAL ZONING DISTRICTS**

**Sec. 42-257. Purpose; specific requirements for all districts. [as amended May 10, 2018]**

Commercial and industrial zoning districts are established to accommodate a variety of commercial, industrial and service-related activities within specific areas of the town. All properties within the commercial and industrial zoning districts shall be subject to the following standards:

- (1) *Lighting requirements.*
  - a. No canopy or roof fascia of any size or dimension shall be constructed, reconstructed, or altered in such manner as to have internal lighting of any kind.
  - b. All site lighting, if any, shall utilize fully shielded cutoff fixtures and be designed and located so as to prohibit glare onto adjacent properties.
- (2) *Hours of operation.* Any business located within 100 feet of the nearest property line of a residential use located within a residential district shall close to the public not later than 11:00 p.m. each day and shall not reopen earlier than 7:00 a.m. the following day. All businesses located within the town limits shall close to the public not later than 12:00 midnight and shall not reopen earlier than 6:00 a.m. the following day.
  - a. Hours of operation may be extended by the town council with a conditional use permit. Such application shall specifically justify the need for the modification to the satisfaction of the town council.
  - b. All business and commercial uses located in commercial and industrial zoning districts must meet the following requirements:
    1. All deliveries shall only occur during permitted public business hours.
    2. All outdoor business-related activities shall only occur during permitted public business hours.
    3. All business activity that is audible at the property line shall only occur during permitted public business hours.
    4. Refuse and dumpster collection shall only occur between 7:00 a.m. and 7:00 p.m. Monday through Friday and between 9:00 a.m. and 7:00 p.m. Saturday and Sunday.
- (3) *Outdoor storage.* All exterior storage areas of goods and materials within commercial and industrial zoning districts, where permitted, shall meet the following minimum standards, provided that such standards shall not apply to outdoor displays of goods offered for retail sale or wholesale on the premises which are subject to paragraph (4) below:
  1. Exterior storage areas shall not be permitted within any front yard. Any exterior storage area located in a side or rear yard shall be screened by an opaque fence not less than six (6) and not greater than eight (8) feet in height. All exterior storage areas shall be limited to only those areas designated for outdoor storage on a concept plan approved as part of a rezoning or conditional use permit application, or on the approved site plan.
  2. Exterior storage areas may be located in a required side or rear yard provided such areas shall be set back at least ten feet from the side and rear property lines, and provided further that outdoor storage areas shall not be located in required off-street parking or loading areas, fire lanes, vehicle and pedestrian travel ways, drive aisles and sidewalks.
  3. Exterior storage areas shall not include the storage of waste materials.

4. No exterior storage area or its associated fence shall be located within a required buffer yard, provided that a Type A landscape buffer may be provided adjacent to an exterior storage area in accordance with the landscaping requirements contained in Article X of this chapter.
  5. Any exterior storage area which exceeds 25 percent of the total area of the lot shall require approval of a conditional use permit in accordance with Article II of this chapter.
- (4) *Outdoor display.* Outdoor displays of goods and materials which are offered for retail sale or wholesale on any property in any commercial or industrial zoning district may be displayed in an outdoor display area located directly in front of the principal building or storefront at a distance not exceeding twenty (20) feet from the building line, or on a covered porch in front of such building, which does not exceed fifty percent of the length of the front of the principal building or storefront, as applicable, provided that any such goods or materials displayed in any other portion of the front yard shall be located in an outdoor display area which does not exceed 50 percent of the frontage of the lot.
- (5) *Hazardous materials.* Businesses located within any commercial or industrial zoning district shall not store hazardous chemicals in excess of the threshold levels established by Superfund Amendment and Reauthorization Act (SARA) title III. The use, storage, and disposal of hazardous materials shall comply with all applicable federal, state and local codes.
- (6) *General standards for certain uses.* The identified uses in this subsection, wherever permitted in a commercial or light industrial district, shall conform to the standards set forth in this section, unless otherwise specifically modified in the provisions authorizing such use in a district.
1. Liquefied petroleum gas distribution facilities and storage tanks: Any such storage tank having a capacity greater than 500 gallons, or any three or more such storage tanks having a capacity greater than 1,500 gallons in the aggregate, shall be located underground for safety purposes and to minimize the visual impact on surrounding properties unless a conditional use permit has been approved by the Town Council in accordance with Article II of this chapter. Any such aboveground storage tanks shall be screened from view in accordance with Section 42-257 (3) and the applicable standards of Article X of this chapter.
  2. Lumber and other building and construction materials stored or offered for sale on the premises shall not be stored or displayed within required yards, or within buffer yards or landscape areas required by this chapter.
  3. Veterinary hospitals and clinics shall be subject to the following additional development criteria:
    - a. The entire business must be conducted wholly within a completely enclosed soundproofed, heated and air conditioned building, except for a limited outdoor fenced dog walk area.
    - b. Noise and odors created by activities within the facility shall not be perceptible beyond the property line or facility itself if the property has other buildings with human activity.
    - c. No animals shall be housed outside the building at any time.

- d. Outdoor features shall comply with any appropriate design or amenity policies in the town's comprehensive plan.
- e. Additional buffering, screening or landscaping may be required under conditional use permits, especially to protect visual or other adverse impacts on residential areas.

(Ord. of 9-21-2006, § 3-11; Ord. of 6-27-2013(02), § 3-11; Ord. No. 2010-05-01, 5-13-2010)

## **ARTICLE VIII. GENERAL REGULATIONS**

### **DIVISION 2. ADDITIONAL STANDARDS**

#### **Secs. 42-285—42-291.**

[NO AMENDMENTS PROPOSED]

#### **Sec. 42-292. Reserved.**

#### **Sec. 42-293. Drainage.**

No building shall be erected on any such land and no change shall be made in the existing contours of any land, including any change in the course, width, or elevation of natural or other drainage channel, in any manner that will obstruct, interfere with, or substantially change the drainage from such land to the detriment of neighboring lands. The town engineer shall review the plans and make the final determination on this matter.

(Ord. of 9-21-2006, § 4-10)

#### **Sec. 42-294. Exceptions to height limitations.**

The maximum height limitations established within this chapter shall not apply to the following structures:

- (1) Barns, silos, windmills and related agricultural structures;
- (2) Water towers, fire and observation towers;
- (3) Chimneys, church spires, belfries, clock towers and governmental monuments;
- (4) Air conditioning units and related mechanical structures when completely screened from the view of public rights-of-way and adjoining properties, such screening to be an integral architectural design element of the building;
- (5) Parapet walls extending no more than four feet above the maximum height limit;
- (6) Residential antennas, attached to the principal structure, not including satellite dish antennas, up to maximum of ten feet above the height of the structure.
- (7) Gasoline and fuel canopies, provided the height as measured from the finished grade directly beneath the canopy at its shortest height to the canopy ceiling shall not exceed 15 feet, and provided the overall height of canopies shall not exceed 18 feet three inches.

(Ord. of 9-21-2006, § 4-11; Ord. No. 2016-01-0003, 1-28-2016)

**Secs. 42-295—42-296. Reserved.**

**Sec. 42-297. Bed and breakfast homestays, bed and breakfast inns and country inns.**

Bed and breakfast homestays, bed and breakfast inns and country inns shall be subject to the following criteria:

- (1) The owner of the bed and breakfast homestay shall reside in and manage the establishment.
- (2) The owner or manager of the bed and breakfast inn and country inn shall provide full-time management of the establishment at all times the facility is occupied by guests.
- (3) Bed and breakfast establishments shall not contain restaurant facilities, but may provide food service for transient guests of the facility only.
- (4) A country inn may contain a full-service restaurant, in addition to guestrooms, that provides meal service to guests and the general public.
- (5) A zoning permit is required.
- (6) The lot on which the establishment is located shall not have less than 80 feet of frontage on a state maintained road and the entrance shall be located on the same property as the establishment.

(Ord. of 9-21-2006, § 3-1(b)(ii))

**Sec. 42-298. Child care home and child care centers.**

Child care homes and centers (collectively “facilities”) are permitted, provided they comply with the following standards:

- (1) Child care facilities shall be registered with the county pursuant to the county code. Child care homes shall close to the public not later than 7:00 p.m. each day and shall not reopen to the public earlier than 6:00 a.m. the following day.
- (2) When calculating the total number of children cared for, resident children under the age of 14 shall be included.
- (3) The home shall be the principal residence of the operator of the child care home.
- (4) The facility shall comply with any and all requirements of the county and state codes.
- (5) Unless exempted by subsection (6) of this section, a minimum of 75 square feet per child of outdoor play space shall be provided on the lot the child care facility is located on and shall be shown on a schematic plan of the lot at the time of issuance of a zoning permit. A fence at least 3½ feet in height shall completely enclose the play area so that children are safely contained inside, and that all persons entering the play area are within direct line of sight from the child care center classroom areas.
- (6) No play area shall be required on site when it is demonstrated that the child care home or center is located with 1,000 feet of an existing park or play space of at least two times the size required for the child care home, providing that such park or play space may be accessed without crossing an arterial or collector road. Such park or

play space shall either be a public park or play space or shall be dedicated to such uses as part of a local community association.

- (7) No play equipment at child care facilities shall be located within any required front yard setback or within five feet of any side or rear lot line. All play areas at child care facilities shall be safely segregated from parking, loading or service areas.
- (8) Parking areas at child care facilities shall be designed to enhance the safety of children as they arrive at and leave the facility.
- (9) Child care facilities shall have a designated pickup and delivery zone located on the property of or adjacent to the child care facility structure in such a way that children do not have to enter or cross vehicular travel ways in order to enter or exit the facility. Such areas, parking spaces or zones designated for pickup and delivery of children shall not be located within vehicular travel ways, but may be located within on-street parking areas provided the requirements of this subsection and subsection (8) above are met.
- (10) Persons operating child care facilities shall obtain a business license and pay the business license tax as described in article IV of chapter 18, business license taxes. Child care homes operated as home occupations shall be subject to section 42-199.

(Ord. of 9-21-2006, § 3-1(b)(iii); Ord. No. 2017-05-0002, 5-11-2017)

#### **Sec. 42-299. Production nurseries and commercial nurseries.**

The following minimum standards apply to all retail sales associated with production nurseries and commercial nurseries:

- (1) In calculating the percentage for plants grown on site, plants must be cultivated at the subject nursery for at least one full season of new growth for that plant.
- (2) Plant production may be certified by the county extension agent, if requested by the zoning administrator.
- (3) Plants brought to the subject nursery for immediate resale are included in calculations for non-site-produced plants and accessory products.
- (4) Accessory products shall be limited to plants brought to the nursery for immediate resale and to those products related to the culture and care of plants sold, such as pottery, baskets, garden accessories, baked goods and floral supplies. Propane, firewood, lawn and garden tractors or machine or other equipment sales are not accessory products.
- (5) The sales area for accessory products shall be limited to 25 percent of the gross sales area.
- (6) Nurseries shall be located on property having frontage measuring not less than 80 feet on a state-maintained road.
- (7) A zoning permit shall be required.

(Ord. of 9-21-2006, § 3-1(b)(iv))

#### **Sec. 42-300. Wayside stands.**

Wayside stands are permitted subject to the following provisions:

- (1) Wayside stands are for retail sales, provided the principal sales items sold are farm and garden products produced principally on site or other locations (separate parcels) used by the wayside stand operator for farming.
- (2) Permanent retail sales areas within structures shall not exceed, in the aggregate, 600 square feet in floor area.
- (3) Sales areas for accessory products shall be limited to 25 percent of the gross sales area or 150 square feet, whichever is less.
- (4) Accessory products shall be limited to those products related to the care and culture of products produced on the site, such as pottery, baskets and garden accessories.
- (5) Entrances and exits to the wayside stand from public roads shall be clearly delineated, shall provide safe ingress and egress from roads, and shall be channeled to prevent unrestricted vehicular access to and from the premises.
- (6) The sale of seasonal products harvested on the site may occur throughout the area of actual production.
- (7) Wayside stands may erect signs in compliance with article XI of this chapter.
- (8) A zoning permit shall be obtained for the wayside stand.

(Ord. of 9-21-2006, § 3-1(b)(vi))

**Sec. 42-301. Construction and/or sales trailers.**

Construction and/or sales trailers are permitted subject to the following provisions:

- (1) The use shall be located on a lot that is within a recorded subdivision or on a lot with an approved site plan or a lot with an approved building location zoning. Its location is subject to any applicable proffers related to the site and its function must be directly related to the primary use established for the subdivision or lot wherein it is located.
- (2) The use is permitted until the issuance of the last occupancy permit is approved for the development and until the completion of any bonded public improvements.
- (3) The use shall provide two off-street parking spaces on the lot or land on which the use is located. These parking spaces shall include the required handicapped space. The use must comply with any requirements that apply for handicapped parking for office use. Parking spaces may have a gravel surface.
- (4) A minimum lot area of 2,000 square feet shall be provided for this use.
- (5) The use shall not be located closer than 20 feet from the property line of the lot upon which it is located. A zoning permit shall be obtained for the use at least ten business days prior to the time it is placed on the property.
- (6) A building permit is required from the county and a copy has to be filed with the town within ten business days of the placement of the use on the site.
- (7) The zoning administrator shall review and approve or deny a request for temporary construction and/or sales trailer permit. In assessing a request for a temporary trailer permit, the zoning administrator:

- a. Shall determine the appropriate number of trailers for the site, the need for and design of landscaping, and any other amenity that the administrator shall deem in the interest of protecting adjacent residential property (zoned, planned or in use);
  - b. Consider the location and its effects on the surrounding neighborhoods and/or adjoining property owners;
  - c. May require terms and conditions on the location and placement, type and number of temporary construction and/or sales trailers; and
  - d. May require screening and other reasonable conditions.
- (8) The use shall be located on a lot as close to a collector street or arterial road (as defined by the Virginia Department of Transportation) as possible.

(Ord. of 9-21-2006, § 3-1(b)(vii))

**Sec. 42-302. Temporary portable storage containers.**

The standards set forth in this section shall apply to temporary portable storage containers. Temporary portable storage containers shall be allowed in residential zoning districts under the following conditions:

- (1) No more than two containers are permitted on a lot at one time.
- (2) The size does not exceed 16 feet by ten feet and eight feet in height.
- (3) The length of time they are permitted is not more than 14 days within any 12-month period.

(Ord. of 9-21-2006, § 3-1(b)(ix))

**Sec. 42-303. Construction activity; permitted hours.**

Construction shall only occur between 7:00 a.m. and 7:00 p.m. Monday through Friday; construction shall only occur between 9:00 a.m. and 7:00 p.m. on Saturdays. No construction shall occur on Sunday.

**Secs. 42-304—42-325. Reserved.**