

signs shall be subject to any and all applicable sections of this article:

- a. Any sign four square feet or less in area.
- b. Repainting without changing wording, composition, or color; or minor nonstructural repairs.
- c. The changing of the advertising copy or message on an approved painted or printed sign or on a theater marquee and similar approved signs which are specifically designed for the use of replaceable copy.

(Ord. of 6-11-1996, § 23-20)

**Sec. 50-106. Shopping centers.**

(a) *Permitted principal uses.* Permitted principal uses in shopping centers are as follows:

(1) Stores for the sale of goods at retail or the performance of customary personal services or services clearly incidental to retail sales.

(2) Business, professional, or banking offices.

(3) Restaurants, cafes, or similar places serving food and/or beverages.

(4) Parking areas for transient auto vehicles, but not for the storage of new or used motor vehicles for sale.

(5) Motor vehicle service stations.

(6) Drive-in restaurants.

(b) *Permitted accessory uses.* Only the customary accessory uses associated with a commercial district shall be permitted in a shopping center, provided they are limited to the same lot as the principal uses.

(c) *Area and bulk regulations.* Area and bulk regulations are as follows:

(1) Lot size: two acres minimum.

(2) Lot coverage: 50 percent maximum.

(3) Building height: two stories or 35 feet maximum.

(4) Front yard: 50 feet minimum.

(5) Side yards: 20 feet minimum each side.

(6) Rear yard: 20 feet minimum.

(d) *Supplementary regulations.* Supplementary regulations are as follows:

(1) *Off-street parking and loading.* Off-street parking shall be provided on the premises at a rate of one off-street parking space for every 100 square feet of gross floor area. Parking shall be permitted in the areas required for front, side and rear yard setbacks. All parking areas shall be suitably paved with permanent hard-surface coverings. Off-street loading

spaces for establishments shall be provided in accordance with section 50-104.

(2) *Access and traffic controls.* All means of ingress or egress from the shopping center to any public street or state highway shall be located at least 200 feet from any other intersecting street and shall be designed to conduct traffic in a safe manner. The developer shall be responsible for the purchase and erection of any necessary traffic control devices and the construction of additional acceleration or deceleration lanes or service walks as may be required by the state department of transportation or by the town.

(3) *Interior circulation.* Interior accessways shall be designed so as to prevent the blocking of vehicles entering or leaving the site. Areas provided for loading or unloading of trucks and/or other vehicles or for servicing of stores for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with interior circulation and parking facilities.

(4) *Lighting.* Lighting for buildings, signs, accessways, and parking areas shall be so arranged as not to reflect toward public streets or cause any annoyance to surrounding property.

(5) *Shopping cart storage.* Where deemed necessary, areas on the site for the storage of shopping carts or mobile baskets shall be provided. Storage areas shall be clearly marked and designated for the storage of shopping carts and/or mobile baskets.

(6) *Storage of trash or rubbish.* Storage areas for trash and rubbish shall be completely screened, and all organic rubbish shall be contained in containers with tightly fitting lids. No such storage area shall be permitted within any required yard space, except such areas may be located in the required rear yard.

(7) *Signs.* Signs shall conform to section 50-105.

(e) *Development plan.* A development plan shall be required in accordance with the following:

(1) Prior to the issuance of a special permit, 15 copies of a development plan shall be submitted to the administrator for review by the administrator, planning commission and town council. Such plan shall comply with this section and section 50-111.

(2) The development plan shall contain the following data, together with other supplementary data for a particular development, as deemed necessary by the planning

commission or town council:

a. Title insurance policy or attorney's certificate showing the owner of the subject property, marketable title to the subject property in such owner, the source of the applicant's title or interest in the subject property, and the place of record of the latest instrument in the chain of title for each parcel constituting the tract.

b. Total area of the tract.

c. Abutting street names, widths, and route numbers.

d. Owners, zoning districts, and uses of each adjoining tract.

e. Topographic map with minimum contour intervals and scale acceptable to the administrator.

f. A concept plan, illustrating the location and functional relationship between all proposed land uses.

g. Land use plan showing the following:

1. The location and arrangement of all proposed land uses, including the height and number of floors of all buildings both above and below finished grade.

2. The building setbacks and yard areas from the development boundaries and adjacent streets, roads, alleys, and ways.

3. The proposed traffic circulation pattern, including the location and width of all streets, driveways, walkways, and entrances to parking areas.



4. All off-street parking and loading areas.

5. All proposed open space areas, including common open space, dedicated open space, and developed recreational open space.

6. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, electric, telephone, and gas lines, along with any necessary easements.

h. Statements or plans relating to all covenants, restrictions, and conditions pertaining to the use, maintenance, and operation of common spaces, and the percentage of the tract to be used as open space.

i. A statement in tabular form of the anticipated commercial floor area.

j. When the development is to be constructed in stages or units, a sequence of the development schedule showing the order of construction of each principal functional element of such stages or units, the approximate completion date for each stage or unit, and a cost estimate of all improvements within each stage or unit.

k. A plan or report indicating the extent, timing, and estimated cost of all off-site improvements such as road, sewer, and drainage facilities necessary to construct the proposed development, which plan or report shall relate to the sequence of the development schedule if the development is to be constructed in stages or units.

l. Where required by the planning commission, a traffic impact analysis, showing the effect of traffic generated by the project on surrounding roads.

(Ord. of 6-11-1996, § 23-21)

**Cross References:** Businesses, ch. 18.

**Sec. 50-107. Townhouses.**

(a) *Area regulations.* The minimum lot size for townhouse construction is 15,000 square feet.

(b) *Lot widths.* Lot widths shall be as follows:

(1) Minimum width for development: 100 feet at the setback line.

(2) Minimum width per townhouse unit: 20 feet. There shall be not more than eight townhouses in a continuous row.

(c) *Yard requirements.* Yard requirements shall be as follows:

(1) Front yard: 30 feet from the road right-of-way line.

(2) Rear yard: 40 feet from each townhouse dwelling.

(3) Side yard: ten feet for each end unit.

(d) *Maximum building height.* Maximum building height shall be 2 1/2 stories, but not to exceed 35 feet.

(e) *Management of common open space.* Management of common open space shall be provided as follows:

(1) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.

(2) Should the units be for sale, a nonprofit association, corporation, trust, or limited liability company of all individuals or corporations owning residential property within the planned development shall be established to ensure the maintenance, management and/or operation of open spaces and/or recreation parks.

(3) The developer must establish the organization prior to the sale of any lots.

(4) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community.

(f) *Parking facilities.* Parking facilities shall be provided as follows:

(1) Off-street parking shall be provided on the premises at the rate of two spaces for each townhouse unit. Each space shall be a minimum of ten feet by 20 feet. Parking shall not be located in any yard area, but shall be located in common parking areas only.

(2) Required parking spaces shall be provided on the same property as the group of buildings served.

(3) Entranceways and exitways to common parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site, but shall at no time exceed 30 feet in width at the street line. Parking shall not be permitted in the entranceway.

(4) Common parking areas shall be set back at least 15 feet from the property line of the development.

(5) No parking space shall be located closer than ten feet to any townhouse unit.

(g) *Storage of trash and rubbish.* If exterior storage areas for trash and rubbish are required by the town, such areas shall be well screened on three sides and contain verminproof containers.

(h) *Site plan review and approval.* Site plans drawn in accordance with section 50-111 shall be reviewed and approved by the planning commission.

(i) *Other regulations for all townhouse construction.* Other regulations for all townhouse construction shall be as follows:

(1) Each townhouse and/or townhouse parking area access road shall front on a dedicated public street meeting state department of transportation and town standards.

(2) Concrete curbs and gutters shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for a townhouse development, curb and gutter need only be installed on the side of the street adjacent to the development.

(3) Walkways of a minimum of four feet in width, constructed of concrete or brick, shall be installed from common parking areas to the front of all townhouse structures served by such parking areas.

(4) The radius of culs-de-sac shall be at least 50 feet. No more than 25 dwelling units shall be served by any cul-de-sac.

(5) Accessory buildings are not permitted, except that on any lot there may be an enclosed storage shed not exceeding eight feet in ceiling height, nor exceeding ten feet in length by ten feet in width.

(6) All townhouse developments must be connected to a public water and public sewer system. Each unit shall have its own individual public water and sewer connection.

(7) The facades of dwelling units in a townhouse structure shall be varied by changed front yards of not less than two feet and variation in materials and design so that not more than four abutting units will have the same front yard depth and the same or essentially the same architectural treatment of facades and rooflines. Balconies and roofed porches may encroach up to five feet within the setback area.

(Ord. of 6-11-1996, § 23-22)



**Sec. 50-108. Apartments/condominiums.**

(a) *Area regulations.* The minimum lot size for apartment and condominium developments is 7,500 square feet for a structure containing three dwelling units, with an additional 2,000 square feet of lot area for each additional dwelling unit above three. There shall be not more than 12 dwelling units contained in any one structure.

(b) *Minimum lot width.* The minimum lot width shall be 50 feet at the setback line.

(c) *Minimum yard requirements.* No structure shall be located closer than 15 feet to any lot line when the structure is in an R-3 district nor closer than 20 feet to any lot line when the structure is in a C district.

(d) *Maximum building height.* The maximum building height shall be four stories, but not to exceed 45 feet.

(e) *Management of open space.* Open space shall be managed as follows:

(1) Should the units be for rental purposes, the developer or rental agent shall be responsible for maintenance and management of open space.

(2) Should the units be for sale, a nonprofit association, corporation, trust, or limited liability company of all individuals or corporations owning residential property within the planned development shall be established to ensure the maintenance, management and/or operation of open spaces and/or recreation parks in accordance with the Condominium Act, Code of Virginia, § 55-79.39 et seq., as amended.

(3) The developer must establish the organization prior to the sale of any dwelling unit.

(4) Membership in the organization shall be mandatory for all residential property owners, present or future, within the planned community.

(f) *Distance between structures.* No structure shall be located closer than 30 feet at any point to another structure.

(g) *Parking facilities.* Parking facilities shall be provided as follows:

(1) Off-street parking shall be provided on the premises at the rate of two spaces for each apartment or condominium unit as approved by the planning commission.

(2) Parking areas shall not be designed or located so as to require or encourage cars to back into a public street in order to leave the lot.

(3) Entranceways and exitways to parking areas shall have a minimum width of 12 feet for each lane of traffic entering or leaving the site, but shall at no time exceed 30 feet in width at the street line. Parking shall not be permitted in the entranceways.

(h) *Storage of trash and rubbish.* Exterior storage areas for trash and rubbish shall be well screened on three sides and contain verminproof containers.

(i) *Site plan review and approval.* A site plan drawn in accordance with section 50-111 shall be reviewed and approved by the planning commission.

(j) *Other regulations for all apartment and condominium construction.* Other regulations for all apartment and condominium construction shall be as follows:

(1) The number of families in permanent residence shall not exceed the number of dwelling units provided. Entranceways through the structure to the units may be either common or separate, and each lot shall be held in single ownership even though individual units may be sold in accordance with this article.

(2) Each structure and/or parking area shall have access on a dedicated public street which meets standards for streets of the state department of transportation.

(3) Concrete curbs and gutters shall be installed along both sides of all new streets within the development. However, should a new street act as a boundary for an apartment development, curb and gutter need only be installed on the side of the street adjacent to the development.

(4) Walkways of a minimum of four feet in width, constructed of concrete or brick, shall be installed from central parking areas to all apartment structures served by such parking areas.

(5) The radius of culs-de-sac shall be at least 50 feet. Not more than 24 dwelling units shall be served by a cul-de-sac.

(6) All dwelling units must be connected to a public water and public sewer system. If the units are to be rented initially, only one water and one sewer connection for the entire building need be installed. However, each unit shall have its own public water and public sewer connection if the initial intent is to sell the units.

(Ord. of 6-11-1996, § 23-23)

**Sec. 50-109. Nursing, convalescent and rest homes.**

In addition to the requirements of the district in which the nursing, convalescent or rest home is located, such uses shall show that they meet the following requirements prior to town approval:

(1) All state rules and regulations for the licensing of such uses shall be met.

(2) All requirements of the state health department and fire marshall's office regarding such uses shall be met.

(3) Architectural barriers for residents of such establishments shall be overcome to the greatest extent possible. Additional safety features, such as handrails in various areas, shall be installed.

(Ord. of 6-11-1996, § 23-24)

**Cross References:** Businesses, ch. 18.

**Sec. 50-110. Professional offices.**

The following shall be required for professional offices:

(1) All activity and equipment, other than parking, must be housed in a fully enclosed building.

(2) No noise or odor produced as a result of activity in such offices shall be discernible beyond the boundaries of the lot.

(3) All vehicular access to the site shall be from a dedicated public street which meets standards for streets of the state department of transportation.

(4) No display in the building other than signs shall be visible from outside of the building.

(Ord. of 6-11-1996, § 23-25)

**Cross References:** Businesses, ch. 18.

#### **Sec. 50-111. Site plan requirements.**

(a) *Statement of intent.* The purpose of this section is to promote the orderly development of certain activities in the town and to ensure that such activities are developed in a manner harmonious with surrounding properties and in the interest of the general public welfare. More specifically, the site plan shall be used to review the following:

(1) The project's compatibility with its environment;

(2) The ability of the traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;



(3) The quantity, quality, utility, and type of the project's required community facilities; and

(4) The location and adequacy of the project's provision for drainage and utilities.

(b) *Applicability.*

(1) This section shall apply to all buildings, structures, or uses as noted in this article.

(2) Where a change of use of an existing structure requires additional parking or other requirements applicable to a new use, a site plan shall be submitted for review to ensure the change of use can be accomplished within the purpose and intent of this article.

(c) *Waiver of requirements.* Any requirement of this section may be waived by the administrator where the waiver is not adverse to the purpose of this section and the applicant establishes that in his specific case an undue hardship would result from a strict enforcement of this section or that the requirement is unreasonable. The administrator may waive the requirements for site plan review for additions to buildings, structures and uses if, in his opinion, such addition does not substantially affect the purpose and intent of this section. If such waiver is granted, the applicant shall submit the information required by section 50-181, provided that a waiver of a portion of the requirements of this section shall nevertheless require the applicant to comply with the remainder of the requirements of this section.

(d) *Site plan specifications.* Every site plan shall be prepared in accordance with the following specifications:

(1) The scale shall not be less than 50 feet to one inch.

(2) All site plans shall be submitted on sheets, the minimum size required being 8 1/2 inches by 11 inches.

(3) If the site plan is prepared on more than one sheet, match lines shall clearly indicate where the several sheets join.

(4) Horizontal dimensions shall be in feet and decimals of feet to the closest 1/100 of a foot.

(e) *Site plan contents.* Site plans shall be certified by an architect, engineer, or land surveyor licensed to practice by the commonwealth within the limits of their respective licenses. The site plan shall provide the following:

(1) The proposed title of the project and the name of the engineer, architect, landscape architect, surveyor, and/or developer; and a signature panel for the administrator's approval.

(2) The north point, scale, and date.

(3) Existing zoning and zoning district boundaries on the property in question and on immediately surrounding properties.

(4) The present use of all abutting property.

(5) The boundaries of the property involved by bearings and distances, certified by a land surveyor licensed to practice in the commonwealth.

(6) All existing property lines; existing streets, buildings, watercourses, waterways, or lakes; and other existing physical features in or adjoining the project. Those physical features such as watercourses, waterways, or lakes on adjoining properties need only be shown in approximate scale.

(7) Topography of the project area with contour intervals of two feet or less.

(8) The locations and sizes of sanitary and storm sewers, gas lines, water mains,

culverts, and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities.

(9) The location, dimensions, and character of construction of proposed streets, alleys, driveways; and the location, type, and size of ingress and egress to the site.

(10) The location of all off-street parking, loading spaces, and walkways, indicating types of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of parking spaces.

(11) The location, height, type, and material of all fences, walls, screen planting, and landscaping details of all buildings and grounds; and the location, height, and character of all outdoor lighting systems.

(12) The location of all proposed buildings and structures, accessory and main; number of stories and height; proposed general use for each building; and the number, size, and type of dwelling units where applicable.

(13) Provisions for the adequate disposition of natural water and stormwater in accordance with sound engineering practice so as to adequately drain the project site, to adequately dispose of all runoff and drainage away from the project site, and so as not to permit excess flow of water across streets or adjoining properties. Where deemed necessary, a storm runoff and drainage system shall be installed by the developer in accordance with a drainage plan which shall indicate the location, sizes, types, and grades of ditches, catchbasins, and pipes and the connection to the existing drainage system.

(14) Provisions and schedule for the adequate control of erosion and sedimentation, in accordance with the town erosion and sedimentation control ordinance in chapter 26, article IV.

(15) Proposed finished grading by contour.

(16) The location, character, size, height, and orientation of proposed signs.

(17) The location and dimensions of proposed recreation, open space, and required amenities and improvements, including details of disposition.

(18) Any necessary notes required by the administrator to explain the purpose of specific items on the plan.

(f) *Improvements and standards.* The following improvements and minimum standards, as