

ARTICLE XII. SUPPLEMENTARY USE REGULATIONS**Part I. General Provisions****Section 171: Plans To Accompany Application For Zoning Permits (amended 5/12/06)**

- (a) A site plan or plat, prepared and approved in accordance with the provisions of this ordinance, shall be required to assist the town council and town officials in the review of applications for zoning permits, to assure compliance with all applicable requirements of this ordinance.
- (b) The following developments and uses shall require submission of a site plan:
 - (1) All permitted uses in the A-C and R districts, except the following:
 - (i) Single family detached dwellings and their related accessory uses.
 - (ii) Agriculture.
 - (2) All permitted uses in the C districts.
 - (3) Special uses permitted in accordance with Article V of this ordinance.
 - (4) Any development in which any required off-street parking space is to be used by more than one establishment.
- (c) Site plans or any portion thereof involving engineering, architecture, landscape architecture, or land surveying shall be certified by an engineer, architect, or land surveyor authorized by the State to practice as such.

Site plans shall be prepared to a scale of one inch equals one hundred feet (1" = 100') or larger. The sheet(s) shall be 24 inches by 36 inches.
- (d) All site plans shall be submitted to the zoning administrator in clearly legible blue or black lined copies and shall contain the following information:
 - (1) Name of development, the developer and designer.
 - (2) Scale, north arrow, vicinity map insert, date and number of sheets.
 - (3) Names of adjoining property owners.
 - (4) Location and description of existing easements, buildings, watercourses, utilities, drainage structures and other pertinent features.
 - (5) Topography with contour interval of two feet.

- (6) Location, name and present width of existing adjoining streets/sidewalks or other public ways.
 - (7) Building setback lines.
 - (8) Location and dimensions of proposed building(s) and/or modifications to existing buildings. The number of floors, floor area and proposed use(s) for the building. If the building contains multi-family units, the number and size of the dwelling units shall be shown.
 - (9) Location of proposed on-site and off-site improvements including streets, sidewalks, curb and gutters, drainage structures, sanitary sewers, water lines, street lighting, fencing, landscaping, etc.
 - (10) Location of off-street parking spaces indicating type of surfacing, width of spaces and a note indicating the number required by town ordinance.
 - (11) Proposed on-site and off-site improvements including street, sidewalks, sanitary sewers, water lines and drainage structures, which shall include plan and profile drawings for existing and proposed streets, proposed sanitary sewers and be accompanied by certification from the Virginia Department of Highways and Transportation that the street and drainage plans meet current requirements.
 - (12) A detailed cost estimate of all on-site and off- site improvements with a corresponding statement signed by the developer acknowledging complete responsibility for the installations of the improvements per the approved plans under the conditions specified by the town council prior to approval of the zoning permit.
- (e) All developments and uses not requiring a site plan pursuant to Article XII of this ordinance shall require the submission of a plat prepared by a certified land surveyor, except that plats submitted for additions to an existing single family dwelling or accessory structure related to an existing single family dwelling may be prepared by other than a certified land surveyor or registered engineer. Each such plat shall indicate the following information:
- (1) The dimensions of the lot or parcel, the boundary lines thereof, and the area of land contained therein.
 - (2) The location, dimensions and height of any building, structure, or addition, whether existing or proposed.
 - (3) The distance from all property lines to the proposed building, structure, or addition, shown to the nearest foot.

- (4) The proposed elevation of the first floor level and of the lowest floor level of any proposed new building. Such elevations shall not be required for additions unless the proposed elevation of the lowest floor level of such addition is below the lowest floor elevation of the structure to which it is added.
- (5) The existing and intended use of each building or structure or part thereof, including the number of dwelling units within a dwelling.
- (6) The location and configuration of any existing or proposed off-street parking spaces(s), the number of spaces proposed to be provided, and information as to the proposed surfacing of such areas.
- (7) The signature and certification number, if applicable, of the person preparing the plat.
- (8) Such other information with regard to the lot, existing and proposed buildings, and existing and proposed uses thereof, and such other information with regard to contiguous lots as may be prescribed by resolution of the planning commission as being necessary to the proper enforcement of the provisions of this ordinance.

Section 172: Features Exempt from Height Limitations

- (a) The height limitations set forth in Articles IX, X, and XI shall not apply to the following features; provided that such structures or features shall be created only to a height necessary to accomplish the purpose intended, and further provided that any such structure or feature over 50 feet in height, as measured from the ground, shall require approval by the zoning administrator.
 - (1) Chimneys, church spires, elevator shafts, barns and other bona fide agricultural buildings, radio and television antenna and towers, telecommunications antenna, water towers or similar structural features not intended as places of occupancy or storage, (Amended 11/9/95)
 - (2) Flagpoles or similar devices,
 - (3) Heating and air conditioning equipment, solar collectors, and similar equipment, fixtures, and devices.
- (b) The features listed in Subsection (a) are exempt from the height limitations set forth in Articles IX, X, and XI if they conform to the following requirements:
 - (1) Not more than 25 percent of the total roof area may be covered by such features.

- (2) The features described in Subsection (a)(3) must be set back from each edge of the roof a minimum distance of one foot for every foot by which such features extend above the roof surface of the principal building to which they are attached.

Section 172.1 Temporary Special Events (added 5/12/06)

- (a) For purposes of this section, a special event shall be defined as a temporary commercial or festive activity or promoted at a specific location outside of the principal resort structures that is not customarily associated with resort activities. Examples of temporary special events include, but are not limited to, circuses, music fairs or concerts, tent revivals, art shows, craft shows, rodeos, corn mazes, festival, civil war enactments when planned or promoted to attract members of the general public, the majority of whom are not expected to stay overnight at the resort. Any temporary special event reasonably expected to attract more than one hundred people at any one time or more than six hundred people during any day of the event shall require advance approval by the Zoning Administrator in accordance with the provisions of this section.
- (b) The location and nature of use of areas proposed for the site of temporary special events shall be depicted on a concept plan or plat submitted as a part of the special use permit required by Section 104. The number of temporary special events requiring approval by the Zoning Administrator may be limited as a condition of approval and shall be subject to further reasonable conditions addressing any and all of the following without limitation:
 - (i) Hours of operation;
 - (ii) Noise limits;
 - (iii) Location of facilities, including parking and sanitation;
 - (iv) Lighting;
 - (v) Trash removal;
 - (vi) Security and crowd control;
 - (vii) Emergency access;
 - (viii) Traffic management and directional signage;
 - (ix) Crowd management if expected attendance is exceeded.
- (c) The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria:
 - (i) The proposed temporary event shall be located, operated and maintained in a manner consistent with the provisions of this ordinance.
 - (ii) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use's nature, size and duration.
 - (iii) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
 - (iv) The proposed event shall not create an unreasonable risk of:

- (A) Significant damage to public or private property, beyond normal wear and tear;
 - (B) Injury to persons;
 - (C) Public and private disturbances or nuisances;
 - (D) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or
 - (E) Additional police, fire, trash removal, maintenance or other public services demands, unless substantially mitigated by the applicant or operator.
- (v) The time and location requested for the proposed special event shall not be already permitted or reserved for other activities.
 - (vi) Permanent alterations to the site are prohibited, unless the Zoning Administrator specifically approves the alteration so that the permit applicant can comply with this subsection.
 - (vii) Permanent signs are prohibited. Temporary signs shall be permitted as approved by the Zoning Administrator. All temporary signs that are associated with the temporary event use shall be removed when the special event ends.
 - (viii) Temporary special events shall not violate any applicable conditions of approval that apply to the principal use on the site.
 - (ix) The applicant or operator has received or complies with any other required permits, such as health department permits, or other federal, state or county regulations.
- (d) The Zoning Administrator may impose conditions reasonably necessary to assure compliance with the standards in this Section to ensure that operation and maintenance of the special event mitigate potential adverse impacts on existing uses on adjoining properties and in the surrounding areas, and to protect the public health, safety and general welfare. Conditions may address, but are not limited to, provisions for adequate parking, storage, and lighting; provisions of security, traffic safety, fire and life safety; conditions limiting hours of operation; provision for adequate sewage disposal; and any other health and safety concerns the Zoning Administrator may deem necessary to comply with the standards in subsection (c) above. In addition, the Zoning Administrator may require the posting of a bond to ensure timely removal of structures and materials and restoration of the area.

Section 173: Commercial Vehicles in Residential Districts

- (a) One commercial vehicle per dwelling unit with a gross vehicle weight of less than 15,000 pounds may be parked overnight by an occupant of the dwelling unit who is the owner or operator of the vehicle, except as prohibited in subsection (b) below.
- (b) The following commercial vehicles are prohibited from overnight parking, regardless of ownership or occupancy.
 - (1) Garbage truck
 - (2) Tractor or trailer or both
 - (3) Dump truck
 - (4) Tow truck

- (5) Passenger bus (excluding school buses)
 - (6) Cement truck
 - (7) Stake bed truck
 - (8) Flat bed truck
 - (9) Construction equipment, or
 - (10) Fuel oil truck.
- (c) Construction equipment and construction-related vehicles may be parked only during the duration of construction.
- (d) The provisions of the subsections above shall not prohibit the overnight parking of any vehicle or equipment in the RA district as long as such vehicles are used in bona fide agricultural operations.

Part II. Manufacturing/Processing Performance Standards

Section 174: Smoke

No manufacturing or processing use in the C-3 district shall emit any smoke, that is visible to the naked eye, from a vent, stack, chimney, or combustion process.

Section 175: Noise

(a) No manufacturing or processing use in the C-3 district shall generate noise that tends to have an annoying or disruptive effect upon uses located on adjacent lots. The table below establishes the maximum permissible noise levels for manufacturing and processing uses in the C-3 district.

(b) Table of Maximum Permitted Sound Levels, dB(A), measured at the property line.

Residential		Commercial
7 a.m.-7 p.m.	7 p.m.-7 a.m.	55
50	45	

(c) Noise resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

Section 176: Vibration

(a) No manufacturing or processing use shall generate any ground-transmitted vibration that is perceptible to the human sense of touch measured at the property line.

(b) Vibrations resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

Section 177: Odors

(a) The "odor threshold", for purposes of this section, is defined as the minimum concentration in air of gas, vapor, or particulate matter than can be detected by the olfactory systems of a panel of healthy observers

(b) No manufacturing or processing use shall generate any odor that reaches the odor threshold measured at the property line.

Section 178: Disposal of Liquid Wastes

No manufacturing or processing use shall discharge into the town sewage treatment facility any waste that cannot be adequately treated by biological means.

Section 179: Water Consumption

No manufacturing or processing use that requires a daily average of more than 7,000 gallons of water.

Section 180: Electrical Disturbance or Interference

No manufacturing or processing use shall:

- (a) Create any electrical disturbance that adversely affects any operation or equipment other than that owned by the maker on any such disturbance, or
- (b) Otherwise cause, create, or contribute to the interference with electronic signals (including television and radio broadcasting transmissions) to the extent that the operation of any equipment not owned by the maker of such disturbance is adversely affected.

Part III. Permitted Extensions into Required Yards

(Added 5/8/97: Amended 12/9/99; 6/9/16)

Section 181. General Provisions.

Except as may be qualified by the provisions of this ordinance, no structure or part thereof shall be built or moved on a lot which does not meet all of the minimum yard requirements for the zoning district in which the structure is located.

Section 182. Permitted Extensions into Required Yards.

No building or structure, including fences and walls, or any addition thereto may be located in whole or in part in any setback or front, rear, or side yard required by this ordinance, except as provided in the district regulations and qualified herein. No structure may be erected over a public right-of-way or easement, except as expressly permitted by the Town. Notwithstanding anything to the contrary in this ordinance, no zoning permit shall be approved for any structure which does not comply with Virginia Department of Transportation (VDOT) sight distance requirements.

(a) Fences and Walls. Fences and walls may be located anywhere within required yards subject to the sight distance provisions of this section and the following limitations:

- (1) Front Yards and Side Yards adjacent to a street. Fences and walls within any required front yard or side yard adjacent to a street shall not exceed four (4) feet in height. (Amended 12/9/99; 6/9/16)
- (2) Side and Rear Yards. Fences and walls within any required side yard (not adjacent to a street) or rear yard in residential districts shall not exceed six (6) feet in height, except when abutting a higher density residential or non-residential district or use, where such fences or walls shall not exceed eight (8) feet in height. Fences or walls within any required side yard (not adjacent to a street) or rear yard in non-residential districts shall not exceed eight (8) feet in height. When elements such as columns, finials, pillars or posts are part of a fence or wall in the side or rear yard, then total height, including such elements, may exceed the height limit by up to one (1) foot, provided that no such element is greater than 24 inches in width or diameter and is located no closer than three (3) feet from any other such element. (Amended 12/9/99; 6/9/16)
- (3) Exceptions to Height Limit. (Amended 6/9/16)
 - a. Retaining walls which are necessitated by the existing grade of the property may exceed the height limit in the amount required to retain soil from entering adjacent properties or a public right-of-way or easement.
 - b. Fences or walls may exceed the height limit where required to comply with screening provisions of this ordinance or the safety standards of other applicable governmental regulations.

- c. On corner lots in residential districts, the Zoning Administrator may approve a fence exceeding four (4) feet in height, but not to exceed six (6) feet in height, in either a required front yard or side yard adjacent to a street, but not both. Any such fence must be of a design that is at least 25 percent open.
- (4) Prohibited Fencing Materials in Residential Areas. No barbed wire, electrical elements or other hazardous materials, and no unfinished concrete or cinder block or other similar unfinished material shall be maintained as a fence or part of a fence or wall in a residential district or abutting a residential district or use, except in conjunction with bona fide agricultural uses in the A-C district; provided, however, that underground "invisible" fencing shall be permitted.
- (b) Certain At-grade Structures. Walkways, sidewalks, and steps or other architectural features, constructed at grade may extend anywhere into any required yard.
- (c) Decks and Patios. The following shall apply to any deck or patio attached to a principal structure in any zoning district. Any such structures not attached to a principal structure shall be considered an accessory structure.
 - (1) Decks or Patios Attached to Residential Structures. Uncovered decks and patios which are attached to a principal residential structure may extend into no more than fifty percent (50%) of a required side yard (not adjacent to a street) or rear yard, but no closer than five (5) feet to any property line.
 - (2) Decks or Patios Attached to Non-Residential Structures. Uncovered decks and patios which are attached to a principal non-residential structure may extend into no more than fifty percent (50%) of any required yard, provided all other requirements of this ordinance can be met.
- (d) Porches, Stairs, Landings and Architectural Features. Unenclosed porches, stairs, handicapped ramps and landings, covered or uncovered, which are attached to a principal structure; and bay windows, oriels, and chimneys, none of which exceed ten (10) feet in width, may project into no more than fifty percent (50%) of any required yard, but no closer than five (5) feet to any lot line.
- (e) Accessory Buildings and Structures. (Amended 12/9/99; 6/9/16)

Accessory buildings and structures may be located anywhere within a rear yard, or within a side yard (not adjacent to a street), provided that such buildings are no closer than five (5) feet to any lot line. Additionally:

- (1) Trellises, arbors, pergolas, open, ornamental entryways, such as an arch, and other similar unenclosed ornamental structures not exceeding twelve (12) feet in width and eight (8) feet in height, and flag poles may be located anywhere within a required front yard or side yard adjacent to a street, provided that such structures are no closer than five (5) feet to any lot line.

- (2) On corner lots in residential districts improved with dwellings that are legally nonconforming as to required yard depths, the Zoning Administrator may approve an accessory building or structure to be located within a front yard, or within side yard adjacent to a street, subject to the following:
 - a. Such building or structure cannot, at the discretion of the Zoning Administrator, be reasonably located within a rear yard, or within a side yard (not adjacent to a street);
 - b. The encroachment into a front yard, or into a side yard adjacent to a street, shall be minimized to the extent necessary to accommodate the structure, and;
 - c. In no case shall any such building or structure be located closer than five (5) feet to any lot line.

(f) Exceptions. (Amended 6/9/16)

- (1) Historic District Waiver. The provisions of this section may be waived by the Town Council within the Historic District if the Historic District Review Committee recommends, and the Town Council finds, that a waiver of said provisions is necessary to maintain or enhance the integrity of the historic district, and the public safety can be maintained.
- (2) Special Use Permit. The Town Council may approve a special use permit to modify the provisions of this Section, but only in accordance with the provisions of Article V governing special use permits.