

## ARTICLE 18. - SUPPLEMENTAL REGULATIONS

### Sec. 18-148. - Applicability.

The regulations specified elsewhere in this chapter shall be subject to the following supplemental regulations as to use, height, area, and other matters.

### Sec. 18-149. - Single-family dwelling in a less restricted zone.

Any single-family dwelling erected in a less restricted zone, insofar as such is permitted, shall conform to all regulations in the RS-10 zone.

### ~~Sec. 18-150. - Reserved Multifamily dwelling in commercial or industrial zone.~~

~~Any multifamily dwelling erected in any commercial or industrial zone, insofar as such is permitted, shall conform to all regulations applying in the RM-2 zone.~~ [DM1]

### Sec. 18-151. - Row dwelling.

Row dwellings are prohibited.

### Sec. 18-151.1. - Drive-in restaurants.

Drive-in restaurants are prohibited within the corporate limits of the Town.

### Sec. 18-152. - Trailers.

The use of a trailer as a residence, an office, or for conducting retail sales or solicitations, as referred to in chapter 15, is hereby prohibited, with the following exceptions:

- (a) Public use trailers as provided in section 18-152.2;
- (b) The temporary use of a trailer on an actual construction site for the purpose of an on-site construction office during the period of actual construction only, and when first approved by the director of public works; and

- (c) A sales trailer for residential development on a newly subdivided site subject to the terms of section 18-152.1 when first approved by the director of public works.

Notwithstanding the prohibitions set forth in this section, the Town Council may authorize the temporary use of a trailer or mobile home as a dwelling for a period not to exceed six months by residents of the Town when the council is first satisfied that such temporary use is required during reconstruction of a dwelling located in the Town and formerly occupied by said residents which dwelling has been destroyed or rendered uninhabitable by fire or other disaster not willfully caused by such residents. Any such authorization of the council pursuant hereto may be revoked by the council prior to expiration of the six-month period if revocation is deemed by the council to be necessary in the public interest.

#### **Sec. 18-152.1. - Sales trailers for residential developments.**

- A. Upon final approval by the Town Council of a new residential subdivision and recordation thereof, a permit may be obtained for one on-site sales trailer therein upon posting with the Town a cash bond in the amount of \$10,000.00 to insure removal of the trailer.
- B. The said bond shall be forfeited to the Town should the permittee fail to remove the trailer upon expiration of the permit or upon completion and sale of the last residential structure in the subdivision, whichever shall occur sooner; otherwise, the bond shall be returned to the permittee upon such timely removal of the trailer.
- C. Bond proceeds shall be held in an interest-bearing account to the benefit of the permittee upon return of the bond.
- D. Such permit shall be void upon expiration of six months following issue but may be extended for not more than one additional six month period for good cause shown.

#### **Sec. 18-152.2. - Public use trailers and manufactured homes.**

Notwithstanding the prohibitions set forth in section 18-152, a public use trailer or a public use manufactured home may be permitted to serve an interim need as part of a permitted public use subject to the following standards and procedures:

- A. The Town Council may approve, for a period of up to three years, a public use trailer or temporary public use manufactured home upon finding that such installation complies with the applicable provisions of this chapter and is consistent with the conditions of any permit for the principal use issued pursuant to section 18-209.
- B. For an existing public use trailer permitted pursuant to subsection A of this section or approved pursuant to this subsection B, the council, upon a finding

that the public health, safety and welfare of the Town will not be thereby impaired, may extend the time allowed for a public use trailer for additional periods of up to two years each pursuant to section 18-256.

- C. All public use trailers must comply with all provisions of this chapter and be consistent with all conditions of any permit issued pursuant to section 18-209, unless such requirements are modified pursuant to section 18-256.
- D. Notwithstanding the provisions in subsections A through C of this section, the Town Manager may approve installation of a public use trailer or public use manufactured home in order to respond to exigent needs. Such approval shall be for an interim period, not to exceed one school year, pending satisfaction of the requirements of this section.

### **Sec. 18-152.3. - Portable storage containers.**

Notwithstanding any contrary provisions of this chapter, portable storage containers located outside of a fully-enclosed building or structure shall be allowed only in single-family detached residential districts, subject to the following restrictions:

- A. No more than one portable storage container shall be allowed on a zoning lot, and for no longer than a total of 30 days in any consecutive 12-month period; provided, however, that during bona fide construction activity and a building permit on such lot, and for an additional period of 24 hours before and after such construction, a portable storage container used in connection with such construction activity may remain for a period not exceeding a total of six months in any 12-month period;
- B. No portable storage container shall have dimensions greater than 16 feet in length, eight feet in height.
- C. Except where a building permit has been issued, all portable storage containers shall be located on private property and on a driveway or other paved surface.
- D. Portable storage containers shall be allowed only upon issuance of a permit by the zoning administrator. The fee for such permit shall be as set forth in section 1-12, Schedule of Planning and Zoning Fees.

### **Sec. 18-153. - Overnight parking of commercial vehicle in residential zone.**

- A. General prohibition; time limits; exceptions.
  - 1. It shall be unlawful to park any commercial vehicle in any residential zone of the Town for more than one hour in any 24-hour period, except that not more than one such vehicle which does not exceed 20,000 pounds gross weight may be parked overnight and on Saturdays, Sundays and holidays off street on the

property owned or leased by the vehicle owner or custodian; provided that while so parked, such vehicle shall not be moved or operated at any time to further any profit-making business or professional enterprise, and further provided that while so parked between the hours of 7:00 p.m. and 5:00 a.m., such vehicle shall not be operated nor its engine run for any purpose whatsoever, nor may such vehicle be driven from the parked location between the hours of 7:00 p.m. and 5:00 a.m.

2. The provisions of this section, however, shall not apply to any vehicle or vehicles designed or used to haul garbage, trash, refuse or wastes of any type, the parking or storage of the same on street or off street in any residential zone being hereby strictly prohibited at any and all times of day or night.
  3. The restrictions, prohibitions, and limitations imposed by this section shall not apply to any vehicle, or vehicles, owned or used by the Town in furtherance of its municipal purposes when such vehicles are parked on Town-owned property.
- B. Notwithstanding the provisions of subsection A of this section, any such vehicle may be parked on a residential street for more than one hour while actually being loaded or unloaded or while the custodian of any such vehicle is actively performing services in the area or for the occupants of a residence abutting the street on which the vehicle is parked and the residence is not that of the custodian of such vehicle.

**Sec. 18-153.1. - Authority to restrict keeping of inoperative motor vehicles, etc., on residential or commercial property; removal of such vehicles.**

- A. It shall be unlawful for any person to keep, except within a fully enclosed building or structure, on any property zoned for residential, multifamily or commercial purposes, any motor vehicle, trailer or semitrailer as such are defined in Code of Virginia, § 46.2.100, which is inoperative except that one such inoperative motor vehicle may be kept outside of a fully enclosed building or structure if shielded or screened from view by an auto cover. As used in this section, the term "inoperative motor vehicle" shall mean any motor vehicle which is not in operating condition; or which for a period of 60 days or longer has been partially or totally disassembled by the removal of tires and wheels, the engine, or other essential parts required for operation of the vehicle or on which there are displayed neither valid license plates nor a valid inspection decal. However, the provisions of this section shall not apply to a licensed business which on June 26, 1970, was regularly engaged in business as an automobile dealer, salvage dealer or scrap processor.
- B. Removal of inoperative vehicles.
- (1) The owner of property zoned for residential, multifamily or commercial purposes shall, at such time as the Town may prescribe, remove therefrom any such inoperative motor vehicles, trailers or semitrailers that are not kept within a fully enclosed building or structure.

- (2) The Town through its own agents or employees may remove any such inoperative motor vehicles, trailers or semitrailers, whenever the owner of the premises, after reasonable notice has failed to do so.
  - (3) In the event the Town, through its own agents or employees, removes any such motor vehicles, trailers or semitrailers, after having given such reasonable notice, the Town may dispose of such motor vehicles, trailers or semitrailers after giving additional notice to the owner of the vehicles.
  - (4) The cost of any such removal and disposal shall be chargeable to the owner of the vehicle or premises and may be collected by the Town as taxes and levies are collected.
  - (5) Every cost authorized by this section with which the owner of the premises has been assessed shall constitute a lien against the property from which the vehicle was removed, the lien to continue until actual payment of such costs has been made to the Town.
- C. Exception for vehicles with stored vehicle license plates.
- (1) Notwithstanding any of the provisions in subsections A and B of this section, the owner or property zoned for residential, multifamily or commercial purposes may store on any one parcel of such land one inoperative motor vehicle for the purpose of restoration for a period not to exceed six months after first obtaining from the department of finance a stored vehicle license plate and payment of a fee of \$50.00.
  - (2) Such license plate shall at all times be displayed on the vehicle for which issued and shall be displayed in a conspicuous location which shall be visible from that public street or other public right-of-way nearest the location of the said stored vehicle unless that vehicle is not visible from said public street or other public right-of-way.

**Sec. 18-153.2. - Automobile graveyards.**

Automobiles graveyards are prohibited within the corporate limits of the Town.

**Sec. 18-153.3. - Parking of motor buses on Town streets.**

The parking of any motor bus on Town streets between the hours of 3:00 p.m. and 7:00 a.m. during weekdays and all Saturdays, Sundays, and holidays is hereby prohibited.

**Sec. 18-153.4. - Parking commercial vehicles in residential zones prohibited.**

- A. It shall be unlawful to park, or to permit to be parked, or to be left standing in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.
- B. For the purposes of this section, the term "commercial vehicle" shall include the following:
  - 1. Any solid waste collection vehicle, tractor truck or tractor truck/semitrailer, or tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more and any heavy construction equipment, whether located on the highway or on a truck, trailer, or semitrailer;
  - 2. Any trailer, semitrailer or other vehicle in which food or beverage are stored or sold;
  - 3. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment whether or not such trailer or semitrailer is attached to another vehicle;
  - 4. Any vehicle licensed by the commonwealth for use as a common contract carrier or as a limousine.
- C. Notwithstanding subsections A and B of this section, one resident of each single-family dwelling unit zoned residential may be permitted to park one vehicle licensed as a taxicab or limousine on such street or highway, provided other vehicles are permitted to park thereon.

**Sec. 18-154. - Display of merchandise.**

- A. No merchandise shall be displayed nor any business conducted between the street line and the building line. Where the building housing such business is located to the rear of the building line, storage and display may be conducted but no sales shall be consummated in that area normally used for pedestrian traffic immediately adjacent to any front, side or rear of the building itself, provided that such area be limited to a depth of four feet when measured from the building itself and provided further that there shall be maintained at all times for pedestrian traffic an area free and clear of any and all obstacles, such area to be at least six feet in width fronting immediately on and extending the full length of all such storage or display area. Notwithstanding the above provision of this section, no part of any vehicle parking area, driveway, or roadway may be utilized for storage or display of merchandise, nor may access to any phone booth or similar facility provided for public use be obstructed in any way. The provisions of this section do not apply to the interior or enclosed structures which are constructed in compliance with all applicable ordinances of the Town.

- B. A waiver of subsection A of this section may be obtained for a period not exceeding 30 days by written application to the Town Manager accompanied by such evidence as may be required by the Town Manager to establish that such waiver is necessary:
1. To permit local business establishment with a principal place of business in the Town to sell for a limited period, holiday or seasonal items of a type, sort, kind and character normally sold by such establishment in the course of its regular business and according to the custom and usage for like businesses. All such sales shall be conducted by bona fide regular employees of that business for the benefit of the said business, the use of other persons, subcontractors or personnel of other organizations of any nature being prohibited; or
  2. To permit the conduct of activities by recognized Town-based charities, religious or service organizations not having an established place of business when to require otherwise would be to impose an undue hardship, and primary and secondary schools wherein at least one-third of the student population are residents of the Town; provided, however, that the conduct of all such activities and sales by such organizations be carried out exclusively by uncompensated volunteers or members of the particular organization without compensation and that no paid agents, employees or contractors be used.
- C. Notwithstanding subsections A and B of this section, the Town Manager is authorized to permit one private farmers' market or marketplace in the Town each year from May 1 to October 31, inclusive, at a location authorized by this chapter and approved by him, or other public property and only for the sale of vegetables, fruits, agricultural and farm products of a perishable nature grown or produced by the vendors thereof and not purchased by the vendors for sale. Conduct of such markets or marketplaces shall be in compliance with all applicable federal, state and local laws. All sales must be conducted in person by that vendor having grown or produced the products sold, members of his family or his direct employees. The hours of activity shall be limited to 7:30 a.m. until 1:30 p.m., Saturday only.

**Sec. 18-155. - When basement living quarters may be maintained.**

No basement living quarters shall be maintained as a rental unit in any dwelling where the floor grade is more than two feet below the surrounding yard grade, except where the entire exterior wall area of one of the longer sides of the basement is above the ground level of the yard.

**Sec. 18-156. - Public buildings; height.**

Public buildings shall comply with the height limitations established in the zone in which they are located.

**Sec. 18-157. - ~~Reserved~~Yard requirements, buildings other than dwellings; distances between principal buildings.**

~~For unit group buildings other than dwellings, the front, side, and rear yards along the lot lines shall be the same as required for the zone in which the property is located and the minimum distances between the principal buildings within the side area shall be equivalent to the sum of the two required front, side, or rear yards, or a combination of two of the above yards, according to the arrangement and relationship of the buildings.~~

[DM2]

**Sec. 18-158. - Reserved.**

**Editor's note**— Section 18-158 was deleted in its entirety on July 22, 1974.

**Sec. 18-159. - Obstruction to vision at corner, residential zone prohibited.**

On any corner lot in a residential zone there shall be no planting, structure, fences, shrubbery, or obstruction to vision more than three feet above the curb level within 25 feet of the intersection of any two street lines.

**Sec. 18-160. - Obstruction at corner in commercial zone prohibited.**

On any corner lot in a commercial zone no building or obstruction shall be permitted within eight feet of the intersection of any two street lines.

**Sec. 18-161. - Gasoline stations; locations of pumps and driveways.**

Gasoline pumps shall be erected at least ten feet behind the building line. When a gasoline service station occupies a corner lot, the ingress or egress driveways shall be located at least 20 feet from the intersection of the front and side street lines of the lot. Any driveway serving a gasoline service station shall have a minimum width at the throat of 25 feet and a width at the throat not to exceed 35 feet. A lot shall not be used for a gasoline service station if it is within 300 feet of an entrance to a public or parochial school, a public park or playground.

**Sec. 18-162. - Annexed areas; how classified.**

Any area annexed to the Town after the effective date of the ordinance from which this chapter is derived shall, immediately upon such annexation, be classified as having a Town zoning most nearly approximating the zoning which it had prior to annexation, until a zoning map for said area has been adopted by the Town Council. The planning commission shall recommend to the Town Council appropriate zoning for the annexed area within three months after the effective date of such annexation.

**Sec. 18-163. - When additional story is permitted.**

On any lot, sloping downhill from the street, which has an average ground slope on that portion of the lot to be occupied by the principal buildings of 25 percent or more, an additional story may be permitted.

**Sec. 18-164. - Penthouses and other roof structures above permitted height limits; when allowed.**

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, water tanks, silos, or similar structures which are part of the principal building may be erected above the height limits herein described, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing additional floor space. All structures and equipment here permitted (except towers, steeples and flagpoles) shall be enclosed, the facade of such enclosure to be in harmony with the facade of the principal structure.

**Sec. 18-165. - Front yard requirement, residential zones, for lot lying between two lots with dwellings thereon.**

In any residential zone any lot lying between two lots immediately adjacent thereto and having dwellings erected upon them at the time of enactment of the ordinance from which this chapter is derived, shall have a front yard equal in depth at least to the average depth of front yards of the lots immediately adjacent thereto, provided no front yard shall be less than 15 feet in depth and no front yard shall be required to be more than 40 feet in depth.

**Sec. 18-166. - ~~Reserved~~ Front and side yard requirements.**

~~The front and side yard requirements shall not apply to dwellings, boardinghouses or roominghouses erected above the ground floor of a building when said ground floor is designed exclusively for commercial or industrial purposes.~~ [DM3]

**Sec. 18-167. - How far carport may project into side yard.**

An unenclosed carport or garage may project into a required side yard for a distance not to exceed five feet; provided, however, that any yard on the side street of a corner lot shall not be reduced to less than ten feet in width. Notwithstanding the above, any such unenclosed carport or garage permitted to project into a required side yard as set forth in this chapter shall be single story, not to exceed 14 feet.

**Sec. 18-168. - Porches; projection into required yard area prohibited.**

Any one-story or two-story enclosed or unenclosed porch shall be considered a part of the building in the determination of the size of any yard and shall not project into any required front, side, or rear yard.

**Sec. 18-169. - Bay windows, eaves, decks and other architectural features.**

- A. The space in any required yard shall be open and unobstructed except for:
1. The ordinary projections of minor architectural features in the form of window sills, belt courses, cornices, eaves, steps, and chimneys, and accessibility improvements such as basement areaways and window wells, provided such features shall not project more than four feet into any required yard;
  2. The projection of major architectural features such as bay windows, box windows, cantilevered floor areas, oriels, and other such features as determined in the sole and reasonable discretion of the zoning administrator, provided that such features shall not project more than two and one-half feet into any required yard, or exceed two stories in height or ten feet in length. Additionally, the combined length of all such features shall not exceed one-third of the total length of the building façade upon which they are placed; and
  3. Decks, which shall not project more than four feet into any required yard, except as specified for rear yards in the RS-16, RS-12.5, RS-10 and RTH zones.

**Sec. 18-170. - Fire escapes.**

Open fire escapes shall not extend into any required yard.

**Sec. 18-171. - Walls; when setback and yard requirements do not apply.**

The setback and yard requirements of this chapter shall not apply to any retaining wall which is less than five feet high, nor to any decorative masonry wall which is less than four feet high.

**Sec. 18-172. - Wall required between certain zones.**

- A. All transitional parking lots and all parking lots in transitional zones shall be screened from all adjacent property in any residential zone, and all land zoned C-1, C-1A, C-2, RM-2, RTH or CM on which any industrial, commercial, townhouse or multifamily housing use is conducted shall be screened from all adjacent property in any detached residential zones. Further, all land zoned C-1, C-1A, C-2 or CM on which any industrial or commercial use is conducted shall be likewise screened from all adjacent property in any RM-2 zone. Such screening shall be by a masonry wall constructed of brick or other ornamental masonry of equal acceptable aesthetic quality which does not require painting and shall be maintained at all times. Said wall shall be located on that land so used for that less restrictive but more intense and higher density use along the boundary line separating such land from that adjacent land used for the less dense, less intense residential use and said wall shall be erected to a minimum height of six feet above that grade of the residential side of the wall.
- B. Where any land on which an ornamental masonry wall is required by this section abuts an alley, or where dedication of such alley is required from such land upon development thereof, the required six foot high masonry wall shall be constructed and maintained on the commercial land along the inside boundary line between such land and such alley when that land located directly on the opposite side of such alley and abutting thereon is zoned RS-16, RS-12.5, or RS-10. Where any land on which an ornamental masonry wall is required by this section abuts a public utility easement or right-of-way, or where dedication of such public utility easement or right-of-way is required from such land upon development thereof, the required six-foot-high ornamental masonry wall shall be constructed and maintained in said public utility easement or right-of-way along the inside boundary line between such utility easement or right-of-way and that land located directly on the opposite side of such public utility easement or right-of-way and abutting thereon which is zoned RS-16, RS-12.5 or RS-10. Provided, however, that the Town Council may waive or modify the requirement for any masonry wall or walls required by this section if in the judgment of the council such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, attributable to activities conducted on any adjacent transitional

parking lot, parking lot in a transitional zone or on adjacent land zoned C-1, C-1A, C-2 RM-2, RTH or CM; or in the judgment of the council, equivalent protection of such adjacent or nearby residential property against loss of privacy, trespass and intrusion of noise and trash can be achieved by evergreen planting, fencing or a combination of such planting and fencing; and provided further, that prior to the meeting at which such waiver of any masonry wall is to be considered, the planning commission and the council shall give written notice of same to the occupants of all property adjacent to and across the street from the property to which such waiver would apply.

- C. All walls or evergreen screening required by this section shall be shown on all site plans required by article 25 of this chapter.

### **Sec. 18-172.1. - Underground utility services.**

- A. All utility services, including, but not limited to, all wires, cables, pipes, conduits and appurtenant equipment, carrying or used in connection with the furnishing of electric power, telephone, telegraph, cable television, petroleum, gas, steam, water or sewer systems, shall, after the effective date of the ordinance from which this section is derived, be placed below the surface of the ground; provided that:
  - (a) Equipment such as electric distribution transformers, switchgear, meter pedestals, and telephone pedestals, which is normally installed above ground in accordance with accepted utility practices for underground distribution systems, may be so installed;
  - (b) Meters, service connections, and similar equipment normally attached to the outside wall of the premises it serves may continue to be so installed; and
  - (c) Existing overhead utility services to any building, accessory building, or structure erected prior to the effective date of the ordinance from which this section is derived may remain overhead when repaired, replaced, or increased in capacity.
- B. All improvements herein required shall be constructed in accordance with accepted standards of utility practice for underground construction.
- C. Whenever relocation of utility facilities is compelled by any construction undertaken by any unit of government, the provisions of this section may be waived by the Town Council.

### **Sec. 18-173. - Home occupation.**

In any residential zone a home occupation is permitted, including the use of the home as an office, provided that the occupation complies with all the following conditions:

- A. Is operated in its entirety within the single unit dwelling and only by the person maintaining a dwelling therein.
- B. Does not display or create outside the building any external evidence of the home occupation, including any method of advertisement other than a dwelling nameplate as permitted in section 18-185.
- C. Does not utilize more than 25 percent of the gross livable floor area including the basement.
- D. No person is employed other than a member of the immediate family residing on the premises. Provided, however, that in the event any such family member so employed in any home occupation dies or becomes physically incapacitated, and such incapacitation is certified by a medical doctor as preventing said family member from performing such employment thereby causing a hardship to the proper conduct of said home occupation, the board of zoning appeals may grant a variance to permit temporary employment of not more than one person for a period not to exceed six months following a public hearing, pursuant to section 18-234.
- E. Does not use any internal combustion engine as a power source and does not use more than a total of three horsepower in fractional horsepower electric motors (other than is normally used for domestic use).
- F. Will not involve the emission of any sounds, odors, or smoke beyond the property line in excess of normal single unit dwelling use.
- G. No commodity will be sold on the premises.
- H. Any service involving the presence of customers or clients on the premises will be operated on an appointment basis only.
- I. Will not constitute a nuisance because of sidewalk or street traffic.
- J. Said use will not tend to affect adversely the use and development of adjoining properties in the immediate neighborhood.
- K. No equipment or merchandise shall be stored anywhere on the premises other than inside the principal residential structure itself.
- L. No commercial deliveries shall be made either to or from the premises before 8:00 a.m. and after 6:00 p.m.

A boardinghouse, tourist home, massage therapist or massage therapy establishment, or principal office of a real estate business shall not be deemed a home occupation.

### **Sec. 18-173.1. - Commercial group building development.**

The following regulations shall apply to all commercial group building development where permitted. For general regulations see article 4 of this chapter. All supplemental regulations contained in this article shall apply, excepting that where other regulations in

this article are in conflict with the regulations in this section, then this section shall govern.

A. Commercial group building developments complying with sections 18-72 and 18-73 shall be permitted subject to approval of a site plan of each development by the Town Council in accordance with article 25 of this chapter.

B. General specifications:

1. All area and height and parking requirements for commercial group building development shall be governed by the regulations applicable to the zone in which located.

2. The common open space and any common parking lot, including any required screening, shall be governed by a council of co-owners if such development shall have qualified pursuant to the Horizontal Property Act of this Commonwealth, or conveyed to a non-stock, nonprofit corporation, organized and operated under the laws of the commonwealth. If conveyed to such corporation, the owner or developer shall present, with the site plan required by article 25 of this chapter, copies of the articles of incorporation of such corporation, its bylaws and an adequately financed plan with effectuating agreements and covenants acceptable to the Town assuring the development and maintenance of any common open space and common parking lots. The membership of such non-stock, nonprofit corporation shall consist of all the individual lot and unit owners of the development.

3. Common open space, excluding any contained in lots, streets and parking, shall after development in accordance with the site plan, not be denuded, defaced, or otherwise disturbed in any manner without the written approval of the Town Council. All common open space including, but not limited to, paved parking areas and driveways, shall be maintained in accordance with standards and regulations from time to time issued by the director of public works with the approval of the Town Council.

4. Minimum gross floor area: Gross plan area shall be interpreted as a measure of usable area exclusive of attic, garage and basement which is more than 50 percent underground. Each separate unit in a series shall have a minimum gross floor area of 800 square feet per floor with the average gross floor area within a series to be not less than 1,000 square feet per floor.

5. Minimum area permitted, commercial group building development: One contiguous acre, maximum number of units per gross acre not to exceed eight.

6. No more than ten units shall be constructed in a contiguous series in any commercial group building development.

7. Facades, roofs and treatment of external materials shall be submitted as a condition of site plan approval. Not more than two abutting units and not more than one-third of any abutting series of units shall have the same architectural design or treatment of materials unless otherwise approved by the architectural review board of the Town.
8. A minimum ten percent of the gross acreage of each commercial zone building development shall be provided for common open space to include green areas, trees, plantings, etc. for the purpose of improving the appearance of the project.
- C. Unit width. For each separate unit in a commercial group building development there shall be a minimum unit width of 20 feet. Not more than two abutting units and not more than one-third of any abutting series of units shall have the same width.
- D. Yard requirements. See subsection B of this section.
- E. Front yard. None required excepting that the distance from the unit front to common open space or common parking lot shall be subject to site plan approval, provided not more than two abutting units shall have the same front setback from such common open space or parking lot.
- F. Side yard. None required excepting that end units and corner units shall be set back from the property line a distance equal to the required side yard for the zone in which located.
- G. Rear yard. None required excepting that no unit in any group shall be constructed closer than 25 feet from the rear property line.
- H. Height limit. Maximum height of each unit shall be 2½ stories, but not to exceed 35 feet.
- I. Off-street parking area. As specified in article 16 of this chapter excepting that notwithstanding contrary provisions of article 16 of this chapter, all required parking facilities in any commercial group building development shall be located on the site and meet all requirements of the zone in which located.
- J. Nameplates and signs. As specified in this chapter for the zone in which the development is located.
- K. Public utilities. All utilities requiring transmission by wires shall be placed underground or under surface, except pad-mounted transformers which shall be properly screened.

### **Sec. 18-173.2. - Intent and purpose.**

The Town Council finds and declares that:

- A. The intrusion of non-regulated garage sales is causing annoyance to citizens in residential areas in the Town and congestion of the streets in residential areas in the Town.
- B. The provisions contained in section 18-173.12, Non-regulated Garage Sales, are intended to prohibit the infringement of any businesses in any established residential areas by regulating the term and frequency of garage sales, so as not to disturb or disrupt the residential environment of the area.
- C. The provisions of this ordinance do not seek control of sales by individuals selling a few of their household or personal items.
- D. The provisions and prohibitions hereinafter contained are enacted not to prevent but to regulate garage sales for the safety and welfare of the Town citizens.

### **Sec. 18-173.3. - Definitions.**

For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number the plural number. The word "shall" is always mandatory and not merely directory.

*Garage sale* means and includes all general sales, open to the public, conducted from or on a residential premises used for family residential purposes only, in any residential zone as defined by this chapter, for the purpose of disposing of personal property including, but not limited to, all sales entitled "garage," "lawn," "yard," "attic," "porch," "room," "backyard," "patio," "flea-market," or "rummage" sale. This definition shall not include a situation where no more than five specific items are held out for sale and all advertisement of such sale specifically names those items to be sold.

*Personal property* means property which is owned, utilized and maintained by an individual or members of his residence and acquired in the normal course of living in or maintaining a residence. It does not include merchandise which was purchased for resale or obtained on consignment or merchandise obtained from persons other than those specifically authorized to conduct a sale under the specific permit granted.

### **Sec. 18-173.4. - Number of sales limited.**

It shall be unlawful for any such sale to be conducted on premises other than those occupied as a residence by one of the persons conducting such sale. No more than two

such sales may be conducted at any one residence and/or family household during any calendar year. If members of more than one residence join in conducting such sale, such sale shall be considered to have been conducted at all of such residences.

**Sec. 18-173.5. - Home of operation.**

Such garage sales shall be limited in time to no more than the daylight hours of two consecutive days or two consecutive weekends (Saturday and Sunday).

**Sec. 18-173.6. - Advertising; signs.**

- (a) *Signs permitted.* Only the following specified signs may be displayed in relation to a pending garage sale:
- (1) Two signs permitted. Two signs of not more than four square feet each shall be permitted to be displayed on the property of the residence where the garage sale is being conducted.
  - (2) Directional signs. Four signs of not more than two square feet each are permitted, provided that the premises upon which the garage sale is conducted is not on a major thoroughfare, and permission to erect said signs is received from the property owners upon whose property such signs are to be placed.
  - (3) No signs shall be posted on public or utility property.
- (b) *Time limitations.* No sign or other form of advertisement shall be exhibited for more than two days prior to the day such sale is to commence.
- (c) *Removal of signs.* Signs must be removed each day at the close of the garage sale activities or by the end of daylight, whichever first occurs.

**Sec. 18-173.7. - Public nuisance.**

The individual conducting such sale and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the police or fire departments of the Town in order to maintain the public health, safety, and welfare.

**Sec. 18-173.8. - Parking.**

All parking of vehicles shall be conducted in compliance with all applicable laws and ordinances. Further, the Police Department may enforce such temporary controls to alleviate any special hazards and/or congestion created by any garage sale.

**Sec. 18-173.9. - Persons exempted from ordinance.**

The provisions of this ordinance shall not apply to or affect the following:

- (a) Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
- (b) Persons acting in accordance with their powers and duties as public officials.
- (c) Any sale conducted by any merchant or mercantile or other business establishment from or at any place of business wherein such sale would be permitted by the zoning regulations of the Town or under the protection of the nonconforming use section thereof or any other sale conducted by a manufacturer, dealer or vendor and which sale would be conducted from properly zoned premises and not otherwise prohibited in other ordinances.
- (d) Any bona fide charitable, eleemosynary, educational, cultural or governmental institution or organization when the proceeds from the sale are used directly for the institution or organization's charitable purposes and the goods or articles are not sold on a consignment basis.

**Sec. 18-173.10. - Separate violations.**

Every article sold and every day a sale is conducted in violation of this ordinance shall constitute a separate offense.

**Sec. 18-173.11. - Penalty.**

Any person who shall violate any of the terms and regulations of this ordinance shall, upon conviction, be fined not less than \$50.00 nor more than \$250.00 or be imprisoned for a period not to exceed ten days for each violation.

**Sec. 18-173.12. - Separability.**

If any provision of this ordinance is found by a court of competent jurisdiction to be invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**Sec. 18-173.13. - Condominium conversions.**

- A. *Information filing required.* The declarant of a conversion condominium in the Town shall file with the zoning administrator, copies of all information otherwise required to be filed by such declarant with any and all appropriate departments, agencies and offices of the commonwealth and such filing with the zoning administrator shall be done simultaneously with such other filing required by the commonwealth.
- B. *Offer of lease to elderly and disabled tenants required.*
- (1) The declarant of a conversion condominium in the Town shall, simultaneously with giving to tenants such notice of conversion as is required by applicable provisions of the Code of Virginia, offer elderly and disabled tenants occupying as their residence at that time, apartments or units in the proposed conversion condominium leases or extensions of lease on the apartments or units they then occupy or on other apartments or units of equal size and overall quality.
  - (2) Offers of leases or extensions of leases required by this section shall include no less than 20 percent of the apartments or units in the proposed conversion condominium and shall be offered for a term of three years. Such offers of leases or extensions of leases shall not apply to apartments or units which will, in the course of conversion, be substantially altered in the physical layout, restricted exclusively to nonresidential use or rendered legally uninhabitable because of renovations or rehabilitation which the declarant intends in good faith to perform.

For the purpose of this section the term "elderly" means a person not less than 62 years old and the term "disabled" means a person suffering from a severe, chronic physical or mental impairment which results in substantial functional limitations.

- C. *Reimbursement of displaced tenants required.* The declarant of any residential condominium converted from multifamily rental shall reimburse any tenant displaced by the conversion for amounts actually expended to relocate as a result of such dislocation but not in excess of the amount to which the tenant would have been entitled to receive under law if the real estate comprising the condominium had been condemned by the Virginia Department of Highways and Transportation.
- D. *Schedule of reimbursable expenses.* The zoning administrator shall maintain a current schedule of reimbursable expenses, which schedule shall be available to the public during business hours.

**Sec. 18-173.14. - Maintenance of landscape areas.**

1. Owners of property within the Town shall maintain all landscaping, and all planting areas installed pursuant to any provision of this chapter in compliance with regulations to be published from time to time by the director of public works. Such regulations shall, among other elements, require the regular periodic mowing of grass, trimming of borders, fertilization and watering of all ground cover, shrubbery, and trees, application of insecticides to protect against infestation, removal of weeds, pruning of all plantings as necessary to maintain vigor and appearance, replacement of dead shrubs, trees, bushes and plants, and removal of trash, litter, garbage and debris.
2. Where any such landscaping or planting area is not maintained in compliance with subsection 1 of this section, the director of public works shall immediately notify the owner of the property on which such landscaping or planting area is located of such deficient maintenance and request that the necessary maintenance work be performed. Such notice and request shall be by certified mail sent to the owner, postage prepaid. Where no address can be found, the letter herein referred to shall be posted in a conspicuous place on the property.
3. If the deficiencies in landscaping or planting area maintenance referred to in subsection 2 of this section have not been corrected by the property owner within ten days from the date the letter referred to in this section has been mailed, or the notice posted, the director of public works shall cause the deficiencies to be corrected by Town forces or by a contractor of the Town.
4. Where deficiencies in the maintenance of landscaping or planting areas are corrected at Town expense by the director of public works pursuant to subsection 3 of this section, the cost of same shall be billed to the owner of the property; and if such bill is not paid, it shall be added to the real estate bill on such property, and shall be a lien on such property to the same extent and effect as the real estate tax.

**Sec. 18-173.15. - Blighted property a nuisance.**

- A. The Town Council may, by ordinance, declare any blighted property as defined in this chapter, to constitute a nuisance, and thereupon abate the nuisance pursuant to authority of municipal corporations to so act.
- B. Such ordinance shall be adopted only after written notice by certified mail to the owner or owners at the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records.

**Sec. 18-173.16. - Security fences.**

Notwithstanding any restrictions related to fences, fences used for security and protection of Town and/or government facilities, structures and/or utilities, may exceed the height restriction set forth in this chapter. Fences exceeding such restrictions, barbed wire, razor wire, concertina wire and/or other security enhancement devices may be used for security protection of Town and/or government facilities, structures and/or utilities if approved by resolution of the Town Council. Such resolution shall be based upon the recommendation of the director of public works and chief of police and upon a finding by the Town Council that such measures are necessary in the interest of public safety and security for such facility, structure and/or utility.

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