

## ARTICLE II. BASIC REGULATIONS

### 4.0 GENERAL REGULATIONS

Except as otherwise specifically provided, the following general regulations shall apply to all districts. The general regulations are not subject to waiver, variation or modification except by the Board of Zoning Appeals or by the Town Council.

#### 4.1 AREA AND HEALTH REGULATIONS RELATED TO UTILITIES

The following regulations shall apply to all districts:

4.1.1 For a parcel served by both a central water supply and a central sewer system, the minimum area requirements of the district in which such parcel is located shall apply.

4.1.2 For a parcel served by either a central water supply or a central sewer system but not both, there shall be provided a minimum area of forty thousand (40,000) square feet per commercial or industrial establishment or per dwelling unit as the case may be, except as permitted by section 4.2.2.

4.1.3 For a parcel served by neither a central water supply nor a central sewer system, there shall be provided a minimum of sixty thousand (60,000) square feet per commercial or industrial establishment or per dwelling unit as the case may be.

4.1.4 The provisions of sections 4.1.2 and 4.1.3 notwithstanding, in such cases where a greater minimum area is required by the regulations of the district in which the parcel is located, said district regulations shall apply.

4.1.5 In the case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood, upon the recommendation of the Virginia Department of Health, the Planning Commission may increase the area requirements for uses utilizing other than a public sewer system.

4.1.6 For lots not served by a central sewer system, no building permit shall be issued for any building or structure, the use of which involves sewage disposal, without written approval from the local office of the Virginia Department of Health of the location and area for both original and future replacement septic disposal fields adequate to serve such use. For residential usage, at a minimum, each septic disposal field shall consist of suitable soils of adequate area to accommodate sewage disposal from a three (3) bedroom dwelling as determined by current regulations of the Virginia Department of Health.

4.1.7 In a cluster development, open space may be used for septic field location only after the septic field locations on such lot are determined to be inadequate by the local office of the Virginia Department of Health.

#### 4.2 CRITICAL SLOPES

These provisions are created to implement the comprehensive plan by protecting and conserving steep hillsides together with public drinking water supplies and flood plain areas and in recognition of increased potential for soil erosion, sedimentation, water pollution and septic disposal problems associated with the development of those areas described in the comprehensive plan as critical slopes. It is hereby recognized that such development of critical slopes may result in: rapid and/or large-scale movement of soil and rock; excessive stormwater run-off; siltation of natural and man-made bodies of water; loss of aesthetic resource; and in the event of septic system failure, a greater travel distance of septic effluent, all of which constitute potential dangers to the public health, safety and/or welfare. These provisions are intended to direct building

and septic system locations to terrain more suitable to development and to discourage development on critical slopes, and to supplement other regulations regarding protection of public water supplies and encroachment of development into flood plains.

Where modification of regulations is sought pursuant to section 4.2.5, such request shall address each concern specified in section 4.2.

#### 4.2.1 BUILDING SITE REQUIRED

No lot or parcel shall have less than one (1) building site. For purposes of this section, the term *building site* shall mean a contiguous area of land in slopes of less than twenty-five (25) percent as determined by reference to either topographic quadrangle maps of the Geological Survey – U. S. Department of Interior, with a contour interval of twenty (20) feet or less, or a source determined by the Town to be of superior accuracy, exclusive of:

- a. Such area as may be located in the flood hazard overlay district or which is located under water;
- b. Such area as may be located within two hundred (200) horizontal feet of the one hundred year flood plain of any public drinking water or flood control impoundment, to include the Mink Creek Flood Impoundment Area, or within one hundred (100) horizontal feet of the edge of any tributary stream to such impoundment.

#### 4.2.2 AREA REGULATIONS

Area regulations for building sites shall conform to the following:

##### 4.2.2.1 For uses not served by a central sewerage system the following shall apply:

- a. For each dwelling unit served by other than a central sewerage system, the building site shall have an area of thirty thousand (30,000) square feet or greater and shall be of such dimension that no one dimension shall exceed any other by a ratio of more than five (5) to one (1) as described by a rectangle inscribed within the building site. Such building site shall have adequate area for location of two (2) septic drain fields as approved by the Virginia Department of Health in accordance with section 4.1 of this ordinance for each dwelling unit.
- b. For development subject to review under 24, *Site Development Plan*, of this ordinance, the building site shall have an area of thirty thousand (30,000) square feet or greater and shall be of such dimension that no dimension shall exceed any other by a ratio of more than five (5) to one (1) as described by a rectangle inscribed within the building site. Such building site shall have adequate area to accommodate all buildings and structures, septic drainfields as approved by the Virginia Department of Health in accordance with section 4.1 of this ordinance, parking and loading areas, storage yards and other improvements together with any earth disturbing activity necessary to accommodate such improvements.

These provisions shall not apply to accessways, public utility lines and appurtenances, stormwater management facilities and the like necessary to provide reasonable usage of the property where no reasonable alternative location or alignment exists. The Town shall require such protective and restorative measures as he deems necessary to ensure that such development will be consistent with the intent of section 4.2.

##### 4.2.2.2 For a use served by a central sewerage system, the applicant shall demonstrate that the building site is of adequate area for the proposed development:

- a. For residential development, the building site shall be of adequate area to accommodate the proposed residential unit(s) together with an area equivalent to the sum of the applicable required yard areas of the zoning district in which such property is situated. Where parking is provided in bays, such parking area shall also be included in the building site;
- b. For development subject to review under section 24, *Site Development Plan*, of this ordinance, the building site shall be of adequate area to accommodate all buildings and structures, parking and loading areas, storage yards and other improvements together with any earth disturbing activity necessary to accommodate such improvements.

These provisions shall not apply to accessways, public utility lines and appurtenances, stormwater management facilities and the like necessary to provide reasonable usage of the property where no reasonable alternative location or alignment exists. The Town shall require such protective and restorative measures as deemed necessary to ensure that such development will be consistent with the intent of section 4.2.

#### 4.2.3 LOCATION OF STRUCTURES AND IMPROVEMENTS

Except as otherwise permitted pursuant to section 4.2.2 and section 4.2.6, the provisions of this section shall apply to the location of any structure for which a permit is required under the Uniform Statewide Building Code and to any improvement shown on a site development plan pursuant to 24, *Site Development Plan*, of this ordinance.

4.2.3.1 No structure or improvement shall be located on any lot or parcel in any area other than a building site.

4.2.3.2 No structure or improvement nor earth disturbing activity to establish such structure or improvement shall be located on slopes of twenty-five (25) percent or greater except as otherwise permitted under section 5.1.15, *Borrow, Fill or Waste Areas*.

#### 4.2.4 LOCATION OF SEPTIC SYSTEMS

In the review for and issuance of a permit for the installation of a septic system, the Virginia Department of Health shall be mindful of the intent of this section, and particularly mindful of the intent to discourage location of septic tanks and/or drain fields on slopes of twenty (20) percent or greater. Septic system location shall be restricted to the approved building site.

#### 4.2.5 MODIFICATION OF REGULATIONS

As part of the review of any plat of subdivision or site development plan, the Planning Commission may modify any regulations and requirements of this section in a particular case, subject to the following limitations, procedures and findings:

4.2.5.1 A developer requesting such modification shall file a written request in accordance with section 24, *Site Development Plan*, of this ordinance and shall in such request address each concern set forth in section 4.2. No such modification shall be granted until considered by the Planning Commission. The Commission in formulating such recommendation may consult with the Thomas Jefferson Soil and Water Conservation District, Town engineer, Virginia Department of Health, water resources manager and other appropriate officials. The Town shall evaluate the potential for soil erosion, sedimentation and water pollution in accord with current provisions of the Virginia Department of Transportation Drainage Manual, the Commonwealth of Virginia Erosion and Sediment Control Handbook and Virginia State Water Control Board best management practices, and where applicable, codes addressing the protection of public drinking water.

4.2.5.2 The Planning Commission may modify, waive or vary any requirement of section 4.2 in a particular case upon finding that:

- a. Strict application of the requirements of section 4.2 would not forward the purposes of this ordinance or otherwise serve the public interest or that alternatives proposed by the developer would satisfy the purposes of section 4.2 to at least an equivalent degree; or
- b. Due to its unusual size, topography, shape of the property, location of the property or other unusual conditions excluding the proprietary interest of the developer, the requirements of section 4.2 would effectively prohibit or unreasonably restrict the use of the property or would result in significant degradation of the site or adjacent properties. Such modification, waiver or variance shall not be detrimental to the public health, safety or welfare, to the orderly development of the area, or to adjacent properties, or to sound engineering practice; or
- c. Granting such modification, waiver or variance would serve a public purpose of greater import than would be served by strict application of section 4.2.

4.2.5.3 In granting such modification, the Planning Commission may impose such conditions as it deems necessary to protect the public interest and to ensure that such development will be consistent with the intent of section 4.2.

#### 4.2.6 EXEMPTIONS

4.2.6.1 Any structure which was lawfully in existence prior to the effective date of this ordinance and which is nonconforming solely on the basis of the requirements of section 4.2, may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure. For the purposes of this section, the term *lawfully in existence* shall also apply to any structure for which a site development plan was approved or a building permit was issued prior to the effective date of this ordinance, provided such plan or permit has not expired.

4.2.6.2 Any lot or parcel of record which was lawfully a lot of record on the effective date of this ordinance shall be exempt from the requirements of section 4.2 for the establishment of the first single-family detached dwelling unit on such lot or parcel; provided that section 4.2.3.2 shall apply to such lot or parcel if the same shall contain adequate land area in slopes of less than twenty-five (25) percent for the location of such structure. For the purposes of this section a mobile home shall be deemed a single-family detached dwelling unit.

#### 4.3 VISIBILITY CLEARANCE AT INTERSECTIONS

For protection against traffic hazards, no material impediment to visibility shall be placed, allowed to grow, erected or maintained on any parcel so as to restrict sight distance at any intersection of any street, road or driveway below the minimum required by the Virginia Department of Highways and Transportation for such intersection.

#### 4.4 REQUIREMENTS FOR CONDOMINIUMS

##### 4.4.1 DEFINITIONS

For purposes of this section the meaning of all terms shall be controlled by section 55-79.41 of the Code of Virginia.

#### 4.4.2 WHERE PERMITTED

Condominiums shall be permitted in all zones in which is permitted any physically identical development; provided that site development plan approval shall be required for any condominium development.

#### 4.4.3 COMPLIANCE WITH ORDINANCE

All condominiums and the use thereof shall in all respects comply with the provisions of this ordinance, and no vested rights shall be created upon the conversion to condominiums of the use thereof if either the condominium or the use thereof does not conform to the provisions of this ordinance. Except as otherwise specified, provisions of this ordinance applicable to condominiums shall be those provisions applicable to physically identical developments.

#### 4.5 LOT REGULATIONS

##### 4.5.1 FRONTAGE AND LOT WIDTH MEASUREMENTS

4.5.1.1 Except as otherwise provided in sections 4.5.1 and 4.5.6, every lot shall front on an existing public street, or a street dedicated by subdivision plat and maintained or designed and built to be maintained by the Virginia Department of Transportation, except that private roads shall be permitted in accordance with the subdivision ordinance.

4.5.1.2 Except as specifically permitted in this section, frontage shall not be less than required by the regulations of the district in which the lot or parcel is located.

- a. Frontage on a public street cul-de-sac or on a private road cul-de-sac may be reduced provided that driveway separation shall be in accordance with Virginia Department of Transportation standards.
- b. For a lot located at the end of an access easement, frontage shall not be less than the full width of such easement.
- c. Minimum lot width shall be at least the same distance as the frontage required for the district in which such lot is located. The depth of front and rear yards shall be established where minimum lot width is achievable but shall not be less in depth than required for the district in which such lot is located. Minimum lot width shall be maintained between the front and rear yard. Lot width shall not be reduced under section 4.5.1.2.

##### 4.5.2 LOTS, DETERMINATION OF LOT FRONT

4.5.2.1 On interior lots, the front shall be construed to be the portion nearest the street.

4.5.2.2 On corner lots, the front shall be construed to be the shortest boundary fronting on a street. If the lot has equal frontage on two or more streets, the front shall be construed in accordance with the prevailing building pattern, or the prevailing lotting pattern if a building pattern has not been established.

4.5.2.3 On double frontage lots, the front shall be construed in accordance with the prevailing building pattern or the prevailing lotting pattern if a building pattern has not been established. If neither a building nor lotting pattern exists, the front shall be construed to be the shortest boundary fronting on a street.

#### 4.5.3 LOTS, YARDS ADJACENT TO STREET

4.5.3.1 Front yards of the depth required in the district shall be provided across the full width of the lot adjacent to the street. Depth of a required front yard shall be measured from the right-of-way line of the street in such a fashion that the building line of such yard shall be equidistant from the street right-of-way at all points. Areas in parking bays shall not be considered as part of the street or access easement for purposes of determining front yard depth.

4.5.3.2 Other yards adjacent to streets shall have a minimum depth, equal to the minimum front yard depth required in the district in which the lot is located. This provision shall apply to lots in the RA or residential districts only. The foregoing notwithstanding, section 24, *Site Development Plan*, shall apply as written and depth of individual yards to streets shall be determined by the nature of the individual street.

4.5.3.3 Street line for measurement of required yards adjacent to streets. Required yards and setbacks shall be measured from a line equidistant from the street lot line(s) at all points.

4.5.3.4 As to any yard adjacent to a street, road or access easement, the yard requirements of this ordinance shall be deemed to have been complied with if the setback shall be not less than the minimum yard dimensions required thereby.

#### 4.5.4 REAR YARDS ON INTERIOR LOTS

Rear yards on interior lots shall be provided at the depth required for the district, and shall run across the full width of the lot at the rear. Depth of a required rear yard shall be measured in such a manner that the yard is a strip of minimum depth required by district regulations with its inner edge parallel to its outer edge.

#### 4.5.5 SIDE YARDS ON LOTS

Side yards on lots are defined as running from the required front yard line to the required rear yard line. On corner lots, the required side yards shall run from the point where side yard lines intersect to required front yard lines.

#### 4.5.6 LOT ACCESS REQUIREMENTS

No structure requiring a building permit shall be erected upon any lot which does not have frontage on a public or private road as specified in the subdivision regulations, except for lots lacking such frontage on the date of the adoption of this ordinance.

#### 4.5.7 LOT COVERAGE BY BUILDINGS

Except as otherwise specifically provided, in computations to determine lot coverage by buildings, building coverage shall be construed as including all areas under roofs or projections from buildings on the lot.

### 4.6 REGULATIONS GOVERNING OPEN SPACE

#### 4.6.1 OPEN SPACE, INTENT

Open space provisions are intended to encourage development approaches reflective of the guidelines of the comprehensive plan by preserving and protecting the Town's small town character and its scenic and historical areas. More specifically, open space is intended to serve such varied comprehensive plan objectives as:

- Maintaining the rural character;
- Protection of areas of scenic beauty;
- Preserving traditional and historic land uses; and
- Meeting recreational needs and expanding opportunities.

To this end, in any rezoning, subdivision plat, or site development plan proposing inclusion of open space areas, the Planning Commission shall consider the appropriateness of such areas for the intended usage in terms of such factors as location, size, shape and topographic characteristics.

#### 4.6.2 USES PERMITTED IN OPEN SPACE

Unless otherwise permitted by the Planning Commission in a particular case, open space shall be maintained in a natural state and shall not be developed with any man-made feature. Where deemed appropriate by the Commission, open space may be used for one or more of the following uses subject to the regulations of the zoning district in which the development is located:

- a. Agriculture, forestry and fisheries including appropriate structures;
- b. Game preserves, wildlife sanctuaries and the like;
- c. Noncommercial recreational structures and uses;
- d. Public utilities;
- e. Wells and septic systems for emergency use only (reference 4.1.7); and
- f. Stormwater detention and flood control devices.

#### 4.6.3 OPEN SPACE, DESIGN REQUIREMENTS

4.6.3.1 In addition to provision of section 4.6.1 and section 4.6.2, in review of development proposing incorporation of open space, the Planning Commission may require inclusion in such open space of:

- a. Areas deemed inappropriate for or prohibited to development such as but not limited to:
  1. Land in the one hundred year flood plain and significant drainage swales;
  2. Land in slopes of twenty-five (25) percent or greater;
  3. Major public utility easements;
  4. Stormwater detention and flood control devices; and
  5. Lands having permanent or seasonally high water tables.
- b. Areas to provide reasonable buffering between dissimilar uses within such development and between such development and adjoining properties.

4.6.3.2 The Planning Commission may require redesign of such proposed development to accommodate open space areas as may be required under this provision, provided that, in no case, shall such redesign result in reduction of the total number of proposed dwelling units otherwise realizable under this ordinance for conventional development.

4.6.3.3 In such case where open space is required by provisions of this ordinance, not more than eighty (80) percent of such minimum required open space shall consist of the following:

- a. Land located within the one hundred year flood plain;
- b. Land subject to occasional, common or frequent flooding as defined in Table 16, *Soil and Water Features of the United States*, Department of Agriculture Soil Conservation Service, Soil Survey of Albemarle County, Virginia, August, 1985;
- c. Land in slopes of twenty-five (25) percent or greater; and
- d. Land devoted to stormwater or flood control devices except where such feature is incorporated into a permanent pond, lake or other water feature deemed by the Planning Commission to constitute a desirable open space amenity.

#### 4.6.4 OWNERSHIP OF OPEN SPACE

Open space in private ownership shall be protected by legal arrangements sufficient to ensure its maintenance and preservation for purposes for which it is intended. Such arrangements shall be subject to Planning Commission approval as a part of the site development plan and/or subdivision plat approval process.

Open space may be dedicated to public use subject to approval and acceptance by separate resolution of the Town Council. Open space so dedicated shall be counted as a part of the minimum required open space.

### 4.7 USES, GENERALLY

#### 4.7.1 DETERMINATIONS CONCERNING UNSPECIFIED USES

Uses other than those specified in district regulations as permitted by right or accessory uses may be added to a district on application by a landowner if the Planning Commission and Town Council find:

- a. That there is no clear intent to exclude such uses; and
- b. That the proposed use is appropriate within the district and would have no more adverse effects on other uses within the district, or on uses in adjoining districts, than would uses of the same general character permitted in the district.

In such cases, the Town Council shall proceed to amend the ordinance in accord with the provisions of section 21, *Amendments*.

#### 4.7.2 HOUSES DISPLAYED FOR ADVERTISING PURPOSES

Construction of a house displayed for advertising purposes, not intended to be sold or occupied as a dwelling, whether in connection with a residential development or otherwise shall not commence until a performance bond adequate to ensure the removal of the structure has been posted.

#### 4.8 BUILDINGS AND STRUCTURES: HANDICAPPED ACCESS

The regulations of individual zoning districts notwithstanding but subject to location of fences, mailboxes and similar structures, construction of a ramp or other modifications to serve the handicapped at any building or structure within any zoning district shall be deemed to be in compliance with the provisions of this ordinance and the building inspector shall authorize issuance of a building permit for such improvements. Ramps or other structures shall not extend beyond the property line.

#### 4.9 HEIGHT OF BUILDING AND OTHER STRUCTURES

##### 4.9.1 INTENT

It is the intent of these height regulations to secure safety, to provide adequate light and air, and to protect the character of districts and the interests of the general public. To accomplish these purposes, the following requirements and limitations are established.

##### 4.9.2 FIRE AND SAFETY REQUIREMENTS

###### 4.9.2.1 FIRE PROTECTION

No building exceeding thirty-five (35) feet in height above grade shall be erected without certification from the Town fire official that such building, as proposed to be located, constructed and equipped, and particularly occupants of upper stories, can be properly protected in case of fire. In the case of structures other than buildings exceeding thirty-five (35) feet in height, the Planning Commission may require such certification where a determination is made that there is substantial fire danger to such structure or to surrounding properties.

###### 4.9.2.2 AERIAL NAVIGATION

No building or other structure shall be located in a manner or built to a height which constitutes a danger to aerial navigation. In such case where the Planning Commission believes a danger to navigation may result, such structure shall not be located or erected without certification from the Federal Aviation Administration and the Virginia Department of Aviation that such structure will not reasonably constitute a danger to air traffic.

#### 4.10 USES AND STRUCTURES PERMITTED IN REQUIRED YARDS

The following uses and structures shall be permitted in required yards, subject to the limitations established.

##### 4.10.1 COVERED PORCHES, BALCONIES, CHIMNEYS AND LIKE FEATURES

Covered porches, balconies, chimneys, eaves and like architectural features may project not more than four (4) feet into any required yard; provided that no such feature shall be located closer than six (6) feet to any lot line.

##### 4.10.2 STRUCTURES IN REQUIRED YARDS

No portion of any accessory structure shall be permitted in any required yard; except as herein expressly provided.

#### 4.10.2.1 ACCESSORY STRUCTURES

If no utility or drainage easements or other easements are adversely affected, accessory structures or portions thereof may be erected, but shall be located no closer than six (6) feet to adjacent lot lines in the case of detached structures, or to a common wall in the case of attached structures; provided further that any such structure located within any yard shall conform with section 4.5.3.

#### 4.10.2.2 PUBLIC TELEPHONE BOOTHS

Public telephone booths may be located within required yards, but no closer to any street than the existing right-of-way line or right-of-way reservation line, provided that:

- a. Such booths shall be equipped for emergency service to the public without prior payment;
- b. The location of every booth shall be determined by the Zoning Administrator to ensure that the same will not adversely affect the safety of the adjacent highway;
- c. Every such booth shall be subject to relocation at the expense of the owner, whenever such relocation shall be determined by the Zoning Administrator to be reasonably necessary to protect the public health, safety and welfare or whenever the same shall be necessary to accommodate the widening of the adjacent highway.

#### 4.10.2.3 FENCES, MAILBOXES, AND SIMILAR STRUCTURES

Fences, free-standing mail and/or newspaper boxes, signs advertising sale or rent of the property, and shelters for school children traveling to and from school shall be permitted in all districts and shall be exempt from all setback and yard requirements except as otherwise provided in section 4.3 or, if located in an historic or entrance corridor district, as provided in sections 18, *Historic Overlay District – H*, and/or 19, *Entrance Corridor Overlay District – EC*. For the purposes of this section, the term *fence* shall be deemed to include free-standing walls enclosing yards and other uncovered areas.

### 4.11 OFF-STREET PARKING AND LOADING REQUIREMENTS (Amended 11-21-2005)

#### 4.11.1 PURPOSE

The purpose of these regulations is to set forth off-street parking and loading requirements for permitted uses:

- a. In accordance with the intensity of such use;
- b. To provide adequate parking for the traveling public; and
- c. To reduce traffic hazards and conflicts.

To these ends, parking and loading area designs shall comply with minimum standards as set forth in sections 4.11 and 24.11, *Site Development Plan, Minimum Standards for Improvements* of this ordinance. It is intended that the purposes of this ordinance be served through physical design measures as opposed to directional or policing measures such as signage, one-way circulation, and other such devices which rely on vehicle operator compliance for effectiveness. Development proposals that seek to maximize building area or otherwise intensify development to the extent that these minimum regulations are not satisfied shall be deemed to be contrary to the purpose of this ordinance.

#### 4.11.2 APPLICATION

Off-street parking and loading requirements shall apply to all uses and structures with the following exceptions:

- a. No off-street parking spaces shall be required for commercially zoned parcels along Valley Street between Warren Street and Main Street, nor for commercially zoned parcels along Main Street between Page Street and the Fluvanna County line.
- b. No off-street loading spaces shall be required for commercially zoned parcels along Valley Street between Warren Street and Main Street, nor for commercially zoned parcels along Main Street between Page Street and the Fluvanna County line.

Off-street parking and loading spaces shall be provided in accordance with the provisions of this section at the time of erection, alteration, enlargement or change in use of any structure.

Any use for which parking and/or loading space was approved and provided prior to the effective date of this ordinance shall be considered in conformance to this ordinance provided the intensity of such use remains unchanged. Where, in the opinion of the Planning Commission, a change in such use and/or structure occasions the need for additional parking and/or loading space, or such change would physically alter parking and/or loading space available, such use shall comply with these provisions.

Where practical difficulties prevent application of the off-street parking and loading requirements, and hardship can be proven, the Board of Zoning Appeals may grant a variance of these requirements.

#### 4.11.3 LOCATION OF PARKING

Where off-street parking is required:

4.11.3.1 For the purpose of determining minimum yard requirements of the various zoning districts, the term *off-street parking space* shall be deemed to include parking space or stall together with adjacent aisle and turnaround.

4.11.3.2 Off-street parking spaces shall be provided on the same lot with the use to which it is appurtenant except as herein after provided.

4.11.3.3 Where practical difficulties prevent location as required in section 4.11.3.2 or where the public safety or the public convenience would be better served by the location thereof other than on the same lot, the Planning Commission may authorize such alternative location of required parking space as will adequately serve the public interest.

4.11.3.4 Whether off-street parking is provided on the same lot or not, the following shall apply:

- a. For residential uses, where parking is provided in bays, no parking space shall be located further than one hundred (100) feet from the entrance of the dwelling such space serves.
- b. For nonresidential uses, no parking space shall be located further than five hundred (500) feet from the entrance of the use such space serves.
- c. Distances in section 4.11.3.4.a and b, above, may be increased in such cases where the Planning Commission shall determine that the public interest or convenience would be equally or better served by such increased distance; that the allowance of a greater distance would not be a departure from sound engineering and design practice; and that the allowance of a greater distance would not otherwise be contrary to the purpose and intent of this ordinance.

#### 4.11.4 COOPERATIVE PARKING

Parking space required under the provisions of this ordinance may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space as such arrangements are approved by the Planning Commission.

The amount of such combined space shall be equal to the sum of the amounts required for the separate uses. The Planning Commission may reduce the amount of space required for a church or for a meeting place of a civic, fraternal or similar organization or other uses under the provisions of a combined parking area by reason of different hours of normal activity than those of other uses participating in the combination.

#### 4.11.5 AVAILABILITY

4.11.5.1 No required off-street parking or loading area shall be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies, or obstructed in any other fashion unless specifically approved by the Planning Commission. This provision shall not be applicable to single-family dwelling units.

4.11.5.2 Where off-street parking and loading spaces are required by these regulations, no owner or occupant of any land or building shall discontinue, change or dispense with such facilities without establishing alternative facilities as approved by the Planning Commission.

#### 4.11.6 PARKING AREA DESIGN

Parking areas shall be designed to minimize on-site and off-site traffic hazards and conflicts in order to provide safe and convenient access to the traveling public; to reduce or prevent congestion in the public streets; and to facilitate provision of emergency services.

##### 4.11.6.1 SAFE AND CONVENIENT ACCESS

All off-street parking spaces and off-street loading spaces shall be provided with safe and convenient access to a public street. Vehicular access points shall be designed to encourage unimpeded traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Distance between street access and on-site points of conflict such as parking spaces and turning and other maneuvers shall be adequate to accommodate unimpeded traffic flow from and to such street. In addition to access points for general traffic, unobstructed and direct accessways for emergency vehicles shall be provided as specified by the Town fire official. All permitted uses shall have entrances constructed in accord with the specifications of the Virginia Department of Transportation.

One-way ingress and egress shall not be permitted, except that the Planning Commission may approve one-way ingress and egress in such case where it necessitated by the peculiar character of the proposed use or site. In such case, the Commission shall require installation and maintenance of control devices such as signage, pavement markings and physical barriers as deemed reasonable to provide direction to and policing of vehicular movement.

In the event the Planning Commission, after consultation with the Virginia Department of Transportation and Town engineer, determines such ingress and/or egress to public roads to be in a state of disrepair which may reasonably result in a hazard to public safety, it shall require repair and/or correction of such ingress or egress facility. For purposes of this section, signage and other control devices shall be deemed to be a part of such ingress and egress facility.

#### 4.11.6.2 INTERNAL CIRCULATION

Parking areas shall be designed to facilitate unimpeded flow of on-site traffic in circulation patterns readily recognizable and predictable to motorists and pedestrians. Parking areas shall be arranged in a fashion to encourage pedestrian access to buildings and to minimize internal automotive movement. Facilities and access routes for deliveries, service and maintenance shall be separated, where practical, from public access routes and parking areas. Direct, unobstructed accessways for emergency vehicles to and around buildings and uses shall be provided as specified by the Town fire official. Speed bumps, gates and other impediments to emergency access shall be prohibited unless otherwise recommended by the fire official in a particular case.

Except as otherwise permitted in a particular case, interior circulation aisles adjacent to parking spaces shall have a minimum travel width of twenty (20) feet with appropriate turning radii; provided that the Planning Commission may increase such width and turning radii upon finding that such increase is necessary to accommodate emergency vehicles together with the largest delivery or service vehicles which may reasonably be anticipated to occasion the site, whether under proposed or potential usage. One-way circulation aisles shall not be permitted, except that the Commission may approve one-way circulation in such case where the same is necessitated by the peculiar character of the site or of the proposed use such as but not limited to uses involving drive-in windows and automobile laundries. In such case, the Commission shall require installation and maintenance of control devices such as bypass lanes, signage, pavement markings and physical barriers as deemed reasonable. All other design requirements shall comply with the standards of 4.11.6.5. One-way circulation aisles shall have a minimum travel width of twelve (12) feet exclusive of curb and gutter.

#### 4.11.6.3 MINIMUM IMPROVEMENTS

The following minimum improvements shall be required for parking areas consisting of four (4) or more parking spaces.

a. In any case where grade exceeds seven (7) percent or where anticipated traffic exceeds three hundred fifty (350) vehicle trips per week based on the current edition of the Institute of Transportation Engineer's Trip Generation Handbook, the following requirements shall apply:

1. Paving specifications for access aisles, parking areas and loading areas shall be subject to Virginia Department of Transportation approval in accordance with intensity of usage;
2. Such improvement shall not be less than six (6) inches of Virginia Department of Transportation #21 or #21A aggregate base together with prime and double seal or equivalent.

The foregoing notwithstanding, the Planning Commission may reduce required improvement in the following cases: (1) for overflow parking, provided in excess of the requirements of section 4.11.6.6 for churches and other assembly uses where usage of such parking area is anticipated to be so infrequent as to not require greater improvement; or (2) for areas of display or storage of vehicles, mobile homes, machinery or other inventory requiring motor vehicle access for placement; provided, in no case, shall grassed or unimproved areas be devoted to overflow parking or inventory storage.

b. Intersections of vehicular access aisles and public streets shall have an approach grade not exceeding four (4) percent for a distance of not less than forty (40) feet measured from the edge of the travelway of the public road being intersected.

Maximum grade of access aisles not abutting parking spaces shall not exceed ten (10) percent; provided, however, that the maximum grade of such access aisles may be increased by the Planning Commission in accordance with section 24, *Site Development Plan*, and upon finding that no reasonable design alternative

would reduce or alleviate need for such increase in grade.

Maximum grade for parking spaces, loading spaces, and access aisles abutting parking or loading spaces shall not exceed five (5) percent and cross slope grade shall not exceed two (2) percent. Handicapped parking spaces shall be situated so as to provide direct unobstructed access to buildings by the shortest practical routing. Crossing of vehicular access aisles shall be discouraged. (See also 4.11.6.5).

c. Minimum sight distance, determined in accordance with Virginia Department of Transportation methodology for stopping sight distance, at internal intersections of access aisles, intersections of access aisles, and pedestrian ways, and for access aisles around buildings shall not be less than one hundred (100) feet; provided, that the Planning Commission may increase such requirement where travel speed is anticipated to exceed ten (10) miles per hour to a requirement commensurate with such anticipated travel speed.

d. The Planning Commission may require raised traffic islands at ends of parking rows to protect parked vehicles and prohibit parking in unauthorized areas. Traffic islands and other such control devices may be required where deemed reasonable by the Commission to satisfy the requirements of sections 4.11 and 24, *Site Development Plan*.

e. Except for parking spaces provided for and on the same lot with single family detached or attached dwellings, all paved or dustless surfaced parking areas shall be marked accordingly:

1. All parking lot delineation's shall be in white or, at the discretion of the Zoning Administrator, an alternative color may be permitted, provided the color is in contrast with the parking lot surface and does not conflict with other restricted parking areas.
2. Parking spaces shall be marked with a single line having a minimum width of 4".
3. Parallel curb or head-in parking spaces shall be striped for the full width or length of the parking stall.
4. The Planning Commission may approve an alternative marking of parking spaces upon determining the proposed markings clearly define the parking spaces.
5. The width and/or length of all parking stalls shall be measured from the centerline of the stripe or alternative marking to the centerline of the adjacent stripe or marking used to delineate the parking stall or face of a physical barrier, such as a wall or curbing.
6. Parking space delineation shall be maintained for visual effectiveness.
7. Parking spaces in unpaved lots shall be delineated by providing individual wheel stops for each unpaved parking space, unless an alternative is approved by the Planning Commission.

#### 4.11.6.4 LIGHTING

Lights used to illuminate parking areas shall be arranged or shielded to protect the dark skies and to reflect light away from adjoining residential districts and away from adjacent streets. Lighting spillover onto public roads and properties zoned residentially or rural areas shall not exceed one-half (½) foot candle.

#### 4.11.6.5 PARKING SPACE SIZE

Each off-street parking space shall meet the minimum requirements as specified below:

a. Perpendicular Parking

<u>Parking Space</u>	<u>Minimum Width</u>	<u>Minimum Length</u>	<u>Aisle Minimum Width</u>
(option A)	10	18	20
(option B)	9	18	24

In conjunction with section 4.11.6.5, perpendicular parking shall be favored. Where practical considerations warrant, the Planning Commission may authorize other angled, curvilinear and/or parallel parking. Once approved by the Planning Commission, parking space and aisle dimensions for angled, curvilinear and parallel parking shall be as specified below.

b. Parallel Parking

<u>Direction of Parking</u>	<u>Stall Width</u>	<u>Depth of Stalls</u>	<u>Aisle Width</u>
One-way Aisle (one-side parking)	9	20	12
One-way Aisle (two-side parking)	9	20	12
Two-way Aisle (two-side parking)	9	20	14

c. Angled Parking

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Depth of Stalls</u>		
		<u>Perpendicular to Aisles</u>	<u>One-way Aisle</u>	<u>Two-way Aisle</u>
45°	10	19	15.5	18
60°	10	20	17	19

d. Curvilinear Parking

For curvilinear parking, the minimum space and aisle widths shall be the same as for perpendicular parking, except that the width of the parking space shall be measured at the narrowest point along the length of the space.

e. Handicapped Parking

The minimum width for handicapped parking spaces shall be eight (8) feet with an adjacent five (5) foot wide access aisle to be provided on each side of such handicapped parking space. Access aisles may be shared between adjacent handicapped parking spaces. The number, location, signage and other specifications of handicapped parking shall be subject to County Building Official approval in accordance with ADA requirements and the Statewide Uniform Building Code.

f. Exceptions

Where adequate planting islands or other such features other than sidewalks are employed to separate rows of parking spaces, not more than two (2) feet may be deducted from the minimum length requirements stated above in order to compensate for overhang. All parking spaces shall be designed so that no part of any vehicle shall extend over any property line, right-of-way line, sidewalk, walkway, driveway or aisle space.

g. Bumper Blocks

Bumper blocks shall be provided in parking spaces in the following circumstances, unless waived by the Planning Commission.

1. The parking area has no curb or curb and gutter,
2. The parking area has curb or curb and gutter and there is a sidewalk located closer than two (2) feet from the edge of the parking area, except that bumper blocks shall not be required where a sidewalk has a minimum width of six (6) feet.

Bumper blocks shall be constructed of a durable material such as concrete or treated timbers. Each bumper block shall be a minimum of six (6) feet, a maximum height of five (5) inches, and shall be securely anchored into the pavement in at least two (2) places.

#### 4.11.6.6 REQUIRED NUMBER OF OFF-STREET PARKING SPACES

Except as otherwise permitted by the Planning Commission pursuant to section 4.11.4, provisions of section 4.11.6.6.1 and section 4.11.6.6.2 shall apply to any determination as to the required number of off-street parking spaces to be provided in a particular case. Where the term *retail sales area* or *net office area* is employed, the applicant shall submit floor plans which delineate the retail sales area, in which case, such floor plans shall be binding as to ultimate usage.

##### 4.11.6.6.1 DETERMINATION OF NUMBER OF PARKING SPACES REQUIRED FOR UNSPECIFIED USES

Where minimum parking or loading space is not specified herein for particular uses/structures or mixes of uses, or where conflicts exist between schedule and general requirements, the Zoning Administrator, in consultation with the Planning Commission, shall determine requirements appropriate to the use/structure guided by characteristics of the proposed use including anticipated employment, number of residents and/or visitors, by requirements for similar uses or mixes and other relevant considerations. More specifically, the Zoning Administrator shall be guided by the following for uses not specified in section 4.11.6.6.2.

- a. For each commercial use of a retail character: One (1) space per employee plus one (1) space per each three hundred (300) square feet of floor area open to the public, but in all cases a minimum of three (3) customer spaces.
- b. For commercial uses of a wholesaling and/or warehousing character: One (1) space per employee plus a minimum of three (3) customer spaces.
- c. For uses of an industrial character: One (1) space per employee plus a minimum of three (3) customer spaces.
- d. For recreational uses not specified: To be determined by the Planning Commission.

##### 4.11.6.6.2 SCHEDULE OF SPECIFIC REQUIREMENTS FOR NUMBER OF OFF-STREET PARKING SPACES

Auditorium or Theater, Indoors or Outdoors: One (1) space per each four (4) seats.

Automobile Service Station: One (1) space per each employee plus two (2) spaces per each service stall. In addition, when accessory activities such as the rental of automobiles, trucks and trailers of all types are involved on site, there shall be provided suitable area to accommodate the highest number of rental units expected at any one time.

Barber Shop, Beauty Shop: One (1) space per employee plus two (2) spaces per station.

Bed & Breakfast [one (1) to five (5) guest rooms]: One (1) space per room.

Bookseller/Bookstore: One (1) space per employee plus one (1) space per each four hundred (400) square feet of retail sales area, but in all cases a minimum of three (3) customer spaces.

Building Material Sales: One (1) space per employee plus one (1) space per five hundred (500) square feet of retail sales area, but in all cases a minimum of three (3) customer spaces.

Church: One (1) space per four (4) fixed seats or per seventy-five (75) square feet of area of assembly, whichever shall be greater.

Club, Lodge: One (1) space per four (4) fixed seats or per seventy-five (75) square feet, whichever shall be greater.

Contractors (Construction Office, Shop, Equipment Storage and Materials Yard): One (1) space per employee on the major shift.

Day Care Center, Nursery School: One (1) space per employee plus one (1) space per five (5) children enrolled.

Drive-in Restaurant: One (1) space per employee plus a minimum of ten (10) customer spaces.

Dwelling, Assisted Living: One (1) space per employee on the major shift, plus one and one-half (1½) spaces per unit.

Dwelling, Attached [Multi-family (Apartment Complex); Townhouse; Patio House; Duplex; Quadraplex]: Two (2) spaces per dwelling unit plus ten percent (10%) of the total required per dwelling unit.

Dwelling, Detached [Single Family; Mobile Home]:

One (1) to three (3) bedrooms = two (2) spaces

Four (4) or more bedrooms = two (2) spaces plus one (1) additional space per bedroom over three (3) bedrooms.

Eating Establishment: One (1) space per employee on the major shift plus one (1) space per three (3) seats. (Amended 7-18-2011)

Feed and Seed Store: One (1) space per employee, plus a minimum of five (5) customer spaces up to fifteen hundred (1,500) square feet of retail sales area; one (1) additional customer space per each five hundred (500) square feet of retail sales area over fifteen hundred (1,500) square feet of retail sales area.

Financial Institution: Two and one-half (2½) spaces per employee.

Food Store: One (1) space per employee plus one (1) space per two hundred (200) square feet of gross floor area, but in all cases a minimum of three (3) customer spaces.

Funeral Home: One (1) space per four (4) fixed seats or per seventy-five (75) square feet area of assembly, whichever shall be greater.

Furniture Store: One (1) space per employee plus one (1) space per five hundred (500) square feet of retail sales area, but in all cases a minimum of three (3) customer spaces.

Gift, Craft, Antique Shop: One (1) space per employee plus one space per five hundred (500) square feet of gross floor area, but in all cases a minimum of three (3) customer spaces.

Greenhouse and Nursery:

Combined Enclosed Retail Area and Greenhouse Sales Area: One (1) space per employee plus one (1) space per each four hundred (400) square feet of gross floor area but in all cases a minimum of three (3) customer spaces.

Exterior Nursery Sales Area – One (1) space per employee plus a minimum of three (3) customer spaces.

Hardware/Paint Store: One (1) space per employee plus one (1) space per each three hundred (300) square feet of retail sales area but in all cases a minimum of three (3) customer spaces.

Hotel, Inn, Motel [6 or more rooms or units]: One (1) space per employee on the major shift, plus one (1) space per room or unit. Additional spaces shall be required for restaurant, assembly room, etc., as provided for in this ordinance.

Kennel, Commercial: One (1) space per employee on the major shift, plus a minimum of three (3) customer spaces.

Laundromat: One (1) space per employee on the major shift, plus one (1) space per three (3) washing machines, but in all cases a minimum of three (3) customer spaces.

Laundry, Dry Cleaning: One (1) space per employee, plus a minimum of three (3) customer spaces.

Machinery, Equipment Sales and Service: One (1) space per employee plus one (1) space per each five hundred (500) square feet of sales and display area, but in all cases a minimum of three (3) customer spaces..

Medical and Dental Clinic: One (1) space per employee on the major shift, plus three (3) spaces per exam room.

Motor Vehicle Sales Including Automobiles, Farm Equipment, and Trucks: One (1) space per employee, plus one (1) space per each one thousand five hundred (1,500) square feet of interior and exterior display area, but in all cases a minimum of three (3) customer spaces. Additional spaces shall be required for auto repair and service area as provided for in this ordinance under Automobile Service Station

Offices: Business, Administrative, Professional: One (1) space per employee plus one (1) space per five hundred (500) square feet of net office area, but in all cases a minimum of three (3) customer spaces.

Over-the-Counter Sales: One (1) space per employee, plus one (1) space per each fifty (50) square feet open to the public, but in all cases a minimum of three (3) customer spaces.

Printing and Publishing Facilities, including Newspaper Publishing: One (1) space per employee on the major shift, plus a minimum of three (3) customer spaces.

Production or Processing of Materials, Goods or Products: One (1) space per employee on the major shift, plus a minimum of three (3) customer spaces.

Recreation, Commercial and Residential:

<u>Activity</u>	<u>Parking Spaces Required</u>
Baseball Field	20 per field
Basketball Court	2 per basket
Golf Course	4 per hole, plus 1 per employee
Horseshoe Pits	2 per pit
Soccer Field	24 per field
Swimming Pool	1 per 125 square feet of water surface
Tennis Court	2 per court

The minimum number of parking spaces required for a residential recreational facility within a subdivision shall be reduced by the percentage of dwelling units within the subdivision within one-quarter mile of the facility.

Rest Home, Nursing Home, Convalescent Home: One (1) space per employee plus one (1) space per three (3) beds.

School: For elementary schools (kindergarten through grade five) and for middle schools (grades six through nine), one (1) space per employee plus one (1) space per five (5) children enrolled. For adult education or for schools in which pupils drive to school, one (1) space per employee on the major shift plus one space per three (3) pupils. Where possible, overflow parking shall be provided in a well-drained, suitably graded area adjacent to required parking area.

Self-Storage Center: One (1) space per employee on the major shift, plus a minimum of three (3) customer spaces.

Shopping Center [defined as a grouping of commercial outlets consisting of more than five (5) units and totaling at least twenty-five thousand (25,000) gross square feet]: Four (4) spaces per each one thousand (1,000) square feet of gross leasable floor area.

Stable, Commercial: One (1) space per three (3) animals.

Testing, Repairing, Cleaning, Servicing of Material Goods or Products: One (1) space per employee on the main shift, plus a minimum of three (3) customer spaces.

Veterinary Clinic: One (1) space per employee on the main shift, plus two (2) spaces per exam room.

Wayside Stand: One (1) space per employee, plus a minimum of three (3) customer spaces.

#### 4.11.7 REQUIRED OFF-STREET LOADING SPACE

Where off-street loading spaces are required:

4.11.7.1 All off-street loading space shall be provided on the same lot with the use to which it is appurtenant.

4.11.7.2 Off-street loading space shall be provided in addition to and exclusive of the parking requirement on the basis of:

a. Commercial/Retail, one thousand (1,000) gross square feet or more: a minimum of one (1) loading space.

a. Industrial: One (1) loading space per each ten thousand (10,000) gross square feet.

4.11.7.3 Additional loading spaces may be required based upon Planning Commission review of the site development plan.

4.11.7.4 Such off-street loading space shall be a minimum of twelve (12) feet in width, fourteen and one-half (14½) feet in clearance height and a depth sufficient to accommodate the largest delivery trucks serving the establishment, but in no case shall such length be less than twenty-five (25) feet.

4.11.7.5 All loading and unloading berths shall be surfaced with a bituminous or other dust free surface, and shall be designed so that no part of any vehicle shall extend over any property line, right-of-way line, sidewalk, driveway or aisle space.

4.11.7.6 The requirements of section 4.11.7 may be modified and/or waived in such cases where the Planning Commission shall determine the public interest and safety would be equally or better served by such modification and/or waiver; that such modification and/or waiver would not be a departure from sound engineering and design practice; and that such modification and/or waiver would not otherwise be contrary to the purpose and intent of this ordinance.

#### 4.12 PARKING AND STORAGE OF CERTAIN VEHICLES

##### 4.12.1 PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT IN RESIDENTIAL DISTRICTS

The following regulations shall apply to parking or storage of major recreational equipment in residential districts:

4.12.1.1 Major recreational equipment as defined for purposes of these regulations includes recreational vehicles, travel trailers, pickup campers, motorized dwellings, tent trailers, boats and boat trailers, house-boats and the like, and cases or boxes used for transporting such recreational equipment, whether occupied by such equipment or not.

4.12.1.2 No major recreational equipment shall be used for living, sleeping or other occupancy when parked or stored on a residential lot or in any other location not approved for such use.

##### 4.12.2 LIMITATION ON PARKING/STORAGE OF INOPERATIVE MOTOR VEHICLES

No inoperative motor vehicle shall be located in any district, including the RA Rural Areas district, except within a fully enclosed building or structure or otherwise shielded or screened from view from a public road or adjoining property.

4.12.2.1 The owner of any parcel in any such district shall remove from such property any such inoperative motor vehicle promptly upon the order of the Zoning Administrator to do so, subject to approval of the Mayor. Removal shall be accomplished within such reasonable time as may be prescribed in such order.

4.12.2.2 Any person who shall fail to comply with such order shall be deemed to be in violation of this section.

4.12.2.3 Whenever such owner has failed to remove any such inoperative motor vehicle, after reasonable notice, the Zoning Administrator, after notifying and obtaining approval of the Mayor, shall have the authority to do so. In the event that the Zoning Administrator removes any such motor vehicle, after having given such reasonable notice, he/she shall dispose of the same after giving additional reasonable notice to the owner of the vehicle. Such additional notice shall be given to the last owner listed upon the records of the Virginia Department of Motor Vehicles. The cost of any such removal and disposal shall be charged to the owner of the premises and may be collected as taxes and levies are collected. Every such cost 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.

#### 4.12.3 LIMITATIONS ON PARKING OF TRUCKS AND CERTAIN RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS

No truck with a gross vehicle weight of twelve thousand (12,000) pounds or more or dual wheeled recreational vehicles shall be parked in any residential district other than RA (except for purposes of making pickups or deliveries) in any location except one in which the vehicle is parked:

- a. Out of the public's view from any public street, highway, sidewalk, path, park or other public property; or from a historic landmark (reference 18, *Historic Overlay District – H*); or from any private property without the resident's and owner's written permission; or
- b. On a temporary basis for a period not to exceed seven (7) days during any six (6) month period and in an approved off-street parking area.

#### 4.13 PERFORMANCE STANDARDS

No use shall hereafter be established or conducted in any district in any manner in violation of the following standards of performance:

##### 4.13.1 NOISE

All sources of noise (except those not under direct control of occupant of use, such as vehicles), must not create sound or impact noise levels in excess of the values specified below when measured at the points indicated. In addition, before 7:00 a.m. and after 7:00 p.m., the permissible sound levels at an agricultural or residential district boundary where adjoining industrial districts shall be reduced by five (5) decibels in each octave band and in the overall band for impact noises.

##### 4.13.1.1 METHOD OF MEASUREMENT

Noise shall be measured by means of a sound level meter and octave band analyzer, calibrated in decibels (re 0.0002 microbar) and shall be measured at the nearest lot line from which the noise level radiates.

##### 4.13.1.2 MEANING OF TERMS

*Decibel* means a prescribed interval of sound frequencies which classifies sound according to its pitch.

*Impact noises* shall be measured by means of an impact noise analyzer. Impact noises are those whose peak values fluctuate more than six (6) decibels from the steady values indicated on the sound level meter set at fast response.

*Octave band* means a prescribed interval of sound frequencies which classifies sound according to its pitch.

*Preferred frequency octave bands* means a standardized series of octave bands prescribed by the American Standards Association in S1.6-1960 Preferred Frequencies for Acoustical Measurements.

*Sound level meter* means an electronic instrument which includes a microphone, an amplifier and an output meter which measures a noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

Maximum Permitted Sound Levels (decibels)

Preferred Frequency Octave Bands  
Location of Measurement

<u>Octave band, cycles/second</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
31.5	64	72
63	64	72
125	60	70
250	54	65
500	48	59
1000	42	55
2000	38	51
4000	34	47
8000	30	44
Overall for impact noise	80	90

4.13.2 VIBRATION

The produce of displacement in inches times the frequency in cycles per second of earthborne vibrations from any activity shall not exceed the values specified below when measured at the points indicated.

4.13.2.1 METHOD OF MEASUREMENT

Earthborne vibrations shall be measured by means of a three component recording system, capable of measuring vibration in three mutually perpendicular directions. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

4.13.2.2 MEANING OF TERMS

*Vibrations* means the periodic displacement of oscillation of the earth.

Area of Measurement

<u>Type of vibration</u>	<u>At residential district boundaries</u>	<u>At other lot lines within district</u>
Continuous	.003	.015
Impulsive (100 per minute or less)	.006	.030
Less than 8 pulses per 24 hours	.015	.075

#### 4.13.3 GLARE

No direct or sky reflected glare, whether from flood lights or from high temperature processes such as combustion, welding or otherwise, so as to be visible beyond the lot line, shall be permitted except for signs, parking lot lighting and other lighting permitted by this ordinance or required by any other applicable regulation, ordinance or law. However, in the case of any operation which would affect adversely the navigation or control of aircraft, the current regulations of the Federal Aviation Administration shall apply.

#### 4.13.4 AIR POLLUTION

Rules of the State Air Pollution Control Board shall apply within the Town. Such rules and regulations include coverage of:

- a. Emission of smoke and other emissions from stationary sources;
- b. Particulate matter;
- c. Odor;
- d. Particulate emission from indirect heating furnaces;
- e. Open burning;
- f. Incinerators; and
- g. Gaseous pollutants.

#### 4.13.5 WATER POLLUTION

Rules of the State Water Control Board shall apply within the Town.

#### 4.13.6 RADIOACTIVITY

There shall be no radioactivity emission which would be dangerous to the health and safety of persons on or beyond the premises where such radioactive material is used. Determination of existence of such danger and the handling of radioactive materials, the discharge of such materials into the atmosphere and streams and other water, and the disposal of radioactive wastes shall be by reference to and in accordance with applicable current regulations of the Department of Energy, and in the case of items which would affect aircraft navigation or the control thereof, by applicable current regulations of the Federal Aviation Administration, and any applicable laws enacted by the General Assembly of the Commonwealth of Virginia or the requirements of the Virginia Air Pollution Act, whichever is greater.

#### 4.13.7 ELECTRICAL INTERFERENCE

There shall be no electrical disturbance emanating from any lot which would adversely affect the operation of any equipment on any other lot or premises and in the case of any operation which would affect adversely the navigation or control of aircraft, the current regulations of the Federal Aviation Administration shall apply.

#### 4.13.8 CERTIFIED ENGINEER REPORT SUBMITTAL

Each future occupant of an industrial character shall submit to the Office of the Town Clerk for the Zoning Administrator as precedent to issuance of a zoning compliance clearance a certified engineer's report describing the proposed operation, all machines, processes, products and by-products, stating the nature and expected levels of emission or discharge to land, air and/or water or liquid, solid or gaseous effluent and electrical impulses and noise under normal operations, and the specifications of treatment methods and mechanisms to be used to control such emission or discharge. The Zoning Administrator shall engage an engineer to review the applicant's submittal and make comment and recommendation prior to final Planning Commission action on the site development plan.

#### 4.14 SIGNS (Amended 5-21-2001)

##### 4.14.1 PURPOSE AND INTENT

The purpose of this section is to regulate the size, location, height and construction of all signs; to protect the public health, safety, convenience and general welfare; to facilitate the creation of a convenient, attractive, and harmonious community, and to further the goals, objectives and policies of the Scottsville Comprehensive Plan.

- a. To enable businesses to promote and identify their establishments;
- b. To promote the general health, safety and welfare by prohibiting excessively distracting signs;
- c. To improve pedestrian and vehicular safety by avoiding signs that contribute to saturation and confusion in the field of vision;
- d. To protect the public investment in the creation and maintenance of attractive sidewalks, streets, highways, parks and other public lands;
- e. To protect and enhance the Town's attractiveness to tourists and other visitors as sources of economic development.

##### 4.14.2 SCOPE (Amended 7-18-2011)

This section of the zoning ordinance, to be known as the *sign ordinance*, is adopted under the zoning authority of the Town.

The word *sign* shall refer to any device that is visible to persons not located on the lot where such device is located and that is designed to attract the attention of such persons or communicate information to them.

These regulations shall apply to all existing signs and their modifications and to all new signs. All signs shall comply with these regulations and it shall be unlawful for any person to erect or maintain a sign that is not expressly permitted by this ordinance.

##### 4.14.3 PERMIT REQUIRED

No person shall erect or cause to be erected nor shall significantly alter, replace or relocate any sign, except those exempt from a permit pursuant to section 4.14.4, unless and until a permit has been issued for this purpose by the Zoning Administrator in accordance with these regulations.

#### 4.14.4 SIGNS EXEMPTED FROM PERMIT REQUIREMENT

The following non-illuminated signs are exempted from regulation under this section unless prohibited by section 4.14.5.

- a. Name and/or address of resident, estate or farm sign that does not include commercial identification and does not exceed two (2) square feet in area. Multiple residences having a common private driveway may consolidate name/address signs such that the resulting sign does not exceed two (2) square feet in area per residence.
- b. Temporary off-site directional signs advertising an event or activity that are not located in a residential district, provided that the activity that the sign promotes is one permitted in the location to which the sign applies. Such signs shall display the name and telephone number of the responsible person and date and address of the event, shall be erected not more than seven (7) days before the event or activity, and shall be removed within two (2) days of its conclusion. (Amended 12-20-2004, 7-18-2011)
- c. Incidental signs, which are signs that have a purpose secondary to the use of the lot on which it is located, such as handicap parking, no parking, entrance, loading only, telephone, and other similar directives. No sign with a commercial message visible from a position off the lot on which the sign is located shall be considered incidental. Such signs shall not exceed two (2) square feet in area. (Amended 7-18-2011)
- d. Public signs, which are any temporary or permanent signs erected and maintained by a town, county, state or federal government or an authority thereof; and temporary legal notice and emergency signs necessary to protect the public.
- e. Official signs of a noncommercial nature erected by public utilities.
- f. Security and warning signs, such as no hunting, no trespassing and warning signs used by a private landowner, which do not to exceed two (2) square feet.
- g. Signs within an establishment and not attached to or immediately adjoining a window visible to the public.
- h. Commemorative plaques, monumental inscriptions, memorial signs or tablets containing names of persons or buildings or dates of erection, and similar information, which do not to exceed four (4) square feet.
- i. Special decorative displays and lighting used for holidays, public events or promotion for nonpartisan civic purposes, which are removed within two (2) days of said event.
- j. Political signs presenting a candidate or issue subject to a federal, state or local government election, not illuminated, that do not exceed four (4) square feet, erected not more than thirty (30) days prior and removed within two (2) days after the election.
- k. Real estate signs advertising property for sale, lease or rent and erected on-site by a licensed real estate agent or by the property owner. The area of the sign, not including riders, shall not exceed 800 square inches. Free standing real estate signs shall have a minimum setback from adjoining streets or roads of five (5) feet and shall have a height not exceeding forty-two (42) inches above the point the supporting post is inserted into the ground; exceptions to the height restriction may be approved by the Zoning Administrator. There shall not be more than two (2) riders, each not exceeding six (6) inches in height, suspended as paddles from or otherwise attached to the primary sign. Real estate signs also may be placed

on a window of the structure for sale, lease or rent. Not more than one (1) real estate sign shall be permitted on a property for sale, lease, or rent within the historic district. Not more than one (1) real estate sign per road frontage, for a total number of signs not to exceed two (2), shall be permitted on a property for sale, lease, or rent outside the historic district. The content of real estate signs shall display a standard "for sale" (or lease or rent) message and include the agent's or property owner's name and telephone number. Real estate signs shall be removed from the site within seven (7) days of sale, lease or rental or of the attachment of a rider indicating that the property has been sold, leased or rented, whichever occurs first. A real estate sign erected for more than 180 days may, after investigation by the Zoning Administrator, be deemed abandoned and subject to the provisions of section 4.14.13. (Amended 12-20-2004)

- l. Temporary off-site open house signs indicating the direction to a house or other structure open to the public. There shall be not more than two (2) such signs per open house, each shall not exceed two (2) square feet in area, and each shall be permitted only on the day of the open house. Such signs shall be marked with the name and telephone number of the responsible person and date and address of the open house. (Added 12-20-2004)
- m. Auction signs that do not exceed four (4) square feet, to advertise an on-site auction to be conducted. These shall be removed within two (2) days after the date of auction. (Off-site auction directional signs are permitted subject to paragraph b, above.)
- n. Construction signs that do not exceed one (1) sign per lot, do not exceed a maximum of eight (8) square feet in area, and are removed within two (2) days of issuance of a certificate of occupancy.
- o. Private drive signs, which are on-premise signs limited to one (1) per entrance, which do not exceed one (1) square foot in area and limited to the words *private drive*.
- p. Farm products signs located on-site on property properly zoned for such use that do not exceed eight (8) square feet in area.
- q. Off-site directional signs to residential garage, yard and similar occasional homeowner sales when the signs are no more than one (1) square foot in area and two (2) in number, display the name and telephone number of the responsible person and date and address of the event, and are erected for a period of no more than seven (7) days and removed within two (2) days following the event.
- r. Professional and home occupation wall-mounted nameplates not exceeding one (1) square foot in area.
- s. Promotional posters, notices and flyers that are attached to an exterior bulletin board or to the interior of a window or door glass of a building located in a commercial district. Such posters shall not take up more than thirty (30) percent of the window, shall not remain up for longer than thirty (30) days, and shall be removed within two (2) days after completion of the advertised event or activity.
- t. House and building numbers that exhibit an assigned street address and comply with Scottsville Code sections 66-110 to 114.
- u. Menu signs adjoining the entrance of a restaurant located within a commercial district when the sign is no more than four (4) square feet in area.
- v. Signs painted on or attached to the outfield fence of any baseball park.
- w. On-site church identification signs and bulletin boards that do not exceed, in the aggregate, one per abutting street and sixteen (16) square feet in area per sign.

- x. Portable blackboards or sandwich boards located in a commercial district, provided that there are no more than one (1) with an aggregate sign area of not more than sixteen (16) square feet, and are no more than five (5) feet in height, and further provided that they do not remain outside the main building after business hours. (Amended 7-18-2011)
- y. Flags or pennants bearing the insignia of any governmental or nonprofit organization when not displayed in connection with a commercial promotion or as an advertising device.
- z. Decorative flags which do not contain a commercial promotion or advertise a specific business or use. Each business shall be limited to one such decorative flag not exceeding a total of fifteen (15) square feet in area.
  - aa. Integral decorative or architectural features of buildings or works of art, so long as such features or works do not contain letters, trademarks, moving parts or lights.
  - bb. "Open" signs that are internally lighted or non-illuminated and limited to the word *open*. Such signs shall have a maximum area of one and one-half (1½) square feet and are permitted only within commercial establishments located within a commercial district.

#### 4.14.5 PROHIBITED SIGNS

Signs with any of the following characteristics are prohibited within the Town. This includes any sign that:

- a. Violates any provisions of the law of Virginia relating to outdoor advertising, including sections 33.1-351 to 381, inclusive, and section 46.1-174 of the Virginia Code and any other form of advertising prohibited by the Virginia Code.
- b. Violates federal law including U.S.C. section 131, control of outdoor advertising and provisions concerning Virginia byways and scenic highways.
- c. Obstructs free or clear vision, or otherwise interferes with or causes hazards for vehicular, bicycle, or pedestrian traffic because of location, shape, illumination or color.
- d. Imitates an official traffic sign or signal, or conflicts with traffic safety needs due to location, color, movement, shape or illumination.
- e. Is an illuminated sign that casts a distracting glare, directly or indirectly, on any public roadway, or on any adjacent property within a residential district; is a sign or part thereof outlined with light; or is a sign that contains or consists of a searchlight, beacon or strobe light, or the like.
- f. Is an animated sign or any other sign that moves, flashes, blinks or changes color; or a sign that contains or consists of pennants, ribbons, spinners, streamers or other similar moving devices; or a banner, except as a permitted temporary event sign as provided for in section 4.14.6.b.
- g. Is a moored balloon or other tethered sign floating at a height above the eve of the adjoining building or twenty (20) feet, whichever is lower.
- h. Is a sign attached to a tree, natural feature, or structure of any description located on public land or to a utility pole, except those so placed by a public agency as provided for in sections 4.14.4.d and e.

- i. Is any sound-producing sign intended to attract attention regardless of whether or not the sign has a written message content.
- j. Is a sign constructed on or over the roof of a building.
- k. Is an off-site sign, including billboards, that advertises or directs traffic to any activity, business, product or service that is not conducted, produced or sold on the premises on which the sign is located, except as allowed in sections 4.14.4.b and q and 4.14.6.b.
- l. Is not adequately maintained; is abandoned or otherwise advertises a discontinued use; or is unsafe as provided for in section 4.14.11.
- m. Is a portable sign, except when used as a temporary sign in conformance with section 4.14.6 or for portable blackboard signs conforming to section 4.14.4.x.
- n. Is a sign, other than a temporary sign, that displays a commercial logo, identifier, or company emblem other than that of the establishment being advertised.
- o. Is a sign that fails to meet minimum conditions required for a permitted sign elsewhere in this ordinance.

#### 4.14.6 TEMPORARY SIGNS

A temporary sign is a non-illuminated sign that is used in conjunction with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign. If a sign is permanent but the message displayed is subject to periodic changes, such a sign shall not be regarded as temporary.

The following temporary signs are permitted upon issuance of a temporary sign permit:

- a. Temporary signs advertising a business, office or other permitted use while the permanent sign application is under review. Such signs shall comply with the following:
  - 1. No such temporary permit shall be issued for a sign exceeding maximum size or height or minimum setback restrictions in section 4.14.8.
  - 2. Such sign shall not be displayed for longer than forty-five (45) days. Once a permit has been issued for a permanent sign, such signs may continue to be displayed until the permanent sign is installed or thirty (30) days, whichever is soonest.
- b. Signs not exceeding thirty-two (32) square feet, advertising a special civic or cultural event such as a fair or exposition, play, concert or meeting sponsored by a governmental, charitable or nonprofit organization. In addition, overhead banner signs suspended from stanchions provided by the town for this purpose, of an area not exceeding one hundred (100) square feet. Each shall be valid for a period not to exceed fifteen (15) days following issuance and shall be removed within two (2) days of the termination of the stated use or when damaged by the weather.
- c. Special signs used for purposes of advertising the opening of a new store, business or profession not exceeding thirty-two (32) square feet, for a period not to exceed thirty (30) days. Such displays must be removed within two (2) days of the termination of the stated use.
- d. Sales event signs not exceeding thirty-two (32) square feet. No more than four (4) such permits shall

be issued in one (1) year. Each shall be valid for a period not to exceed fifteen (15) days following issuance. Such signs must be removed within two (2) days of the termination of the stated use.

e. Portable sandwich board signs located within a commercial district, but not within the Historic Overlay (H) District, with an aggregate sign area of not more than sixteen (16) square feet, a height of not more than five (5) feet, located a minimum setback of ten (10) feet from the property line, and no more than two (2) per highway frontage. Such signs shall be permitted for a period of one (1) year and shall be renewable.

#### 4.14.7 ILLUMINATED SIGNS

Illuminated signs are signs that are lighted from a source within, lighted from an external source, and/or composed of light producing components. "Open" signs are exempt from this requirement (see section 4.14.4.bb) and certain types of sign illumination are prohibited by section 4.14.5.e. and 4.14.5.f. (Amended 7-18-2011)

#### 4.14.8 COMMERCIAL SIGNS

The following signs, unless of a type that is prohibited or otherwise regulated elsewhere in this ordinance, shall be permitted if located on-site.

##### 4.14.8.1 COMMERCIAL DISTRICTS WITHIN THE HISTORIC OVERLAY DISTRICT

Signs advertising a business, office or other permitted commercial use and located within the Historic Overlay District (H) shall comply with the following:

- a. Signs shall meet the following standards of appearance: Signs should relate to, rather than obscure and disrupt, the design elements of the building with which they are associated or to which they are attached. Signs should also be compatible with other signs and buildings along the street. Considerations for compatibility include dimensions, subject matter, materials, color, letter styles, legibility, lighting, overall effect and placement on the lot or on the building. All requirements concerning signs in the Historic Overlay District, Section 18 of the Zoning Ordinance, shall continue. (Amended 7-18-2011)
- b. Sign types, size, and setback regulations are set forth in Table 1:

<b>Table 1. Commercial Signs within the Historic Overlay District</b>					
<b>SIGN TYPE</b>	<b>AREA (Maximum)</b>	<b>HEIGHT (Maximum)</b>	<b>SETBACK (Minimum)</b>	<b># ALLOWED (Maximum)</b>	<b>OTHER</b>
Freestanding	16 sq ft proportionately reduced for lots having less than 100 ft frontage	9 ft for sign, 9 ft for support	5 ft from property line or easement.	1 per highway right-of-way frontage	No part of a freestanding sign shall encroach on any public right of way. See * below
Projecting	9 sq ft	Bottom of sign must be at least 7 ft, but not more than 12 ft from ground.		1 per highway right-of-way frontage	Shall not project more than 4 ft from building. See * below
Wall (includes window)	32 sq ft				See * below
* The total area of all signs displayed by any first floor occupancy shall not exceed one (1) square foot for each one (1) linear foot of building frontage (reference section 4.14.9.2). The area of wall signs, projecting signs, and freestanding signs shall be included in the computation of aggregate signage.					

(Amended 7-18-2011)

c. Signs for occupancies on the second floor of a commercial building are permitted, provided total area does not exceed twenty-five (25) percent of the square footage that would be allotted to identical sign occupancies on the first floor.

d. Canopy signs shall not exceed one (1) per canopy, shall not exceed one (1) per side surface area, and shall not exceed thirty-three (33) percent of the total side surface area. No sign shall be erected on the roof of a canopy. (Amended 7-18-2011)

e. Signs affixed to an awning are classified as a projecting sign, and the area of the sign is calculated to be the area of the print, and any other background color that differentiates the sign from the rest of the awning. Awning signs shall not be internally illuminated.

#### 4.14.8.2 COMMERCIAL DISTRICTS NOT IN HISTORIC OVERLAY DISTRICT

Signs advertising a business, office or other permitted commercial use and not located within the historic overlay district shall comply with the following:

a. Sign types, size, and setback regulations are set forth in Table 2:

<b>Table 2. Commercial and Industrial Signs not within the Historic Overlay District</b>					
<b>SIGN TYPE</b> (Includes all kinds)	<b>AREA</b> (Maximum)	<b>HEIGHT</b> (Maximum)	<b>SETBACK</b> (Minimum)	<b># ALLOWED</b> (Maximum)	<b>OTHER</b>
Freestanding	32 sq ft proportionately reduced for lots having less than 100 ft of frontage	12 ft at top of sign	10 ft from property line or easement.	1 per highway right-of-way frontage	Business must have minimum 25 ft road frontage.
Projecting	12 sq ft	Bottom of sign must be at least 7 ft, but not more than 12 ft from ground.		1 per highway right-of-way frontage	Shall not project more than 4 ft from building. See * below
Wall (includes window)	100 sq ft				See * below
* The total area of all signs displayed by any first floor occupancy shall not exceed one (1) square foot for each one (1) linear foot of building frontage (reference section 4.14.9.2). The area of wall signs and projecting signs shall be included in the computation of aggregate signage.					

(Amended 7-18-2011)

b. Shopping centers may erect a collective freestanding sign that lists the names of the shopping center and businesses within. Such signage shall conform to Table 2.

c. (Removed 7-18-2011)

#### 4.14.8.3 RESIDENTIAL DISTRICTS

Signs advertising certain businesses located in a residential district shall comply with the following:

a. Home occupation signs that display the name and/or address of the occupant of the premises and the nature of the home occupation. One sign shall be allowed for each parcel of property. The sign shall not exceed four (4) square feet in area and shall be set back a minimum of five (5) feet from the property line or public easement.

b. Bed and breakfast signs stating accommodations are available on the premises. One sign shall be allowed for each Bed and Breakfast. The sign shall not exceed six (6) square feet in area and shall be set back a minimum of five (5) feet from the property line or public easement.

#### 4.14.9 COMPUTATION

##### 4.14.9.1 SIGN AREA

The surface area of any sign permitted under this ordinance is determined by measuring the entire face of the sign including any wall work incidental to its decoration, but excluding supports unless such supports are used to attract attention, except as noted below:

- a. The surface area of any open sign made up of individual letters or figures shall include the space between such letters or figures.
- b. Whenever one sign contains lettering or other advertising information on both sides, one side only shall be used in computing the surface area of the sign.
- c. Paddle signs suspended from a freestanding or projecting sign are permitted. The surface area of such signs is computed to be the total square footage of all the signs, including the area of open space between each sign.
- d. In the case of a corner lot, the total frontage on both streets may be used in calculating the allowable size.

#### 4.14.9.2 BUILDING FRONTAGE

The building frontage used for calculating the allowable sign area for commercial and industrial structures is the straight-line horizontal distance between the ends of the outside building wall on which the sign is to be placed.

#### 4.14.10 ADMINISTRATION

##### 4.14.10.1 POWERS AND DUTIES OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have primary responsibility for the administration and enforcement of this sign ordinance and have the authority to enforce provisions of this ordinance. In addition to the duties specified in other portions of this ordinance, the Zoning Administrator shall have the power to:

- a. Receive sign applications and ensure administrative procedures described in this section are properly adhered to;
- b. Issue new sign permits upon confirmation that the proposed sign conforms with this ordinance;
- c. Approve or deny for conformity and refer to the Architectural Review Board (if located in the Historic Overlay District) within five (5) working days all sign permit applications; (Amended 7-18-2011)
- d. Make inspections of all signs and premises upon which signs are situated or proposed to be situated to confirm information contained in an application or any other information relating to a permit application;
- e. Maintain records, inventories, and maps concerning signs;
- f. Register nonconforming signs;
- g. Interpret the general intent or meaning of any provision of this ordinance;
- h. Refer sign applications to the Architectural Review Board pursuant to section 4.14.8.1.a addressing standards of appearance. (Amended 7-18-2011)

##### 4.14.10.2 APPLICATION REQUIREMENTS

An application provided by the Town must be filed with the Zoning Administrator in the Town Office. This application shall include the following information together with the applicable fee:

- a. The sign owner's name, address and daytime telephone number; and, if different, the name and signature of the owner of the premises where the sign is located or is to be located;
- b. The name and daytime telephone number of the person who will be performing the work requested;
- c. Location, tax map and parcel number, and zoning designation of the parcel on which the sign is or will be located (available from the Zoning Administrator);
- d. A legible sketch showing the location, content, and advertising message, as well as the sign dimensions, construction materials to be used, manner of illumination;
- e. A signed statement by the applicant that the proposed sign will be installed according to the specifications provided in the sign permit application.

#### 4.14.11 UNSAFE SIGNS

- a. Whenever, in the opinion of the Zoning Administrator, a sign becomes structurally unsafe or endangers the safety of a structure or the public, the Zoning Administrator shall order such sign to be made safe or comply with the ordinance, as the case may be, or be removed. The order must be sent by certified mail, return receipt requested, and must be complied with within five (5) business days from the date of receipt of the registered mail. Failure to comply with the order shall constitute grounds for the Town Administrator to have the sign removed, and the cost of removal shall be added to any fine imposed for violation under this ordinance.
- b. Whenever, upon the determination of the Zoning Administrator, an unsafe sign poses an imminent threat of serious injury to person or property, and it is impracticable to give notice as required by the above paragraph, the Zoning Administrator may cause the sign immediately to be made safe or removed, and the cost thereof shall be charged to the owner.

#### 4.14.12 NONCONFORMING SIGNS

Any sign lawfully in existence on the effective date of this sign ordinance that does not conform to the provisions of the ordinance may be continued in accordance with the provisions of section 6: *Nonconformities* and of this section.

An owner of a lawfully continued nonconforming sign (hereafter referred to as a "nonconforming sign") who fails to comply with the following shall be subject to having the nonconforming sign removed, as provided for in section 4.14.13.

- a. The owner of any property on which there is located a nonconforming sign must, upon notice from the Zoning Administrator, submit verification within sixty (60) days that the sign was lawfully in existence at the time of adoption of these sign regulations.
- b. Nonconforming signs shall be kept in good repair and condition. However, any non-conforming sign that is allowed to deteriorate to the point that it becomes a public nuisance, the Scottsville Town Council may require it to be removed.
- c. Nonconforming signs shall not be displayed on any other portion of the property or building other than its original location, and may not be displayed on another property, unless the relocation results in the sign conforming to this ordinance.
- d. Nonconforming signs and their supporting structure shall not be structurally altered, or remodeled

except in conformance with this ordinance unless required for safety or maintenance.

e. Nonconforming signs may be repainted and repaired, however, if the wording, composition, color, and material of the sign is changed, the sign must be brought in to full compliance with this ordinance.

f. A nonconforming sign in good repair that is destroyed or damaged through no fault of the owner shall be restored to its original or a more conforming condition within two (2) months of the damage.

g. If the structure or use that a nonconforming sign advertises is abandoned, the sign shall lose its protected status and be required to conform to all provisions of this sign ordinance.

#### 4.14.13 ENFORCEMENT AND PENALTIES

a. The violation of any of the provisions of this sign ordinance is hereby declared a misdemeanor. (See section 20, *Administration, Enforcement and Interpretation.*)

b. In the event that a sign is installed in violation of the provisions of this ordinance, in non-compliance with the specifications stated in the sign permit application, or in non-compliance with the conditions attached to a special use permit, the Zoning Administrator shall cause a written notice of violation to be issued to the owner of the sign.

c. The written notice may either request that the sign be brought into compliance or removed, or that the sign owner otherwise comply with the provisions of this ordinance within fifteen (15) days of receipt of the notice of violation.

d. If the sign owner fails to bring the sign into compliance with this ordinance, as stated by the terms of the notice of violation, the Zoning Administrator, after consultation with the Mayor, may cause the sign to be removed at the expense of the sign owner.

e. If the owner or erector of a sign that is in violation of this ordinance has a documented record of prior violations of the provisions of this ordinance, the zoning administrator may have the offending sign removed immediately and without prior notice. (Added 12-20-2004)

f. Cardboard, paper and other disposable signs that have been removed by the Town shall be destroyed upon removal.

g. All other signs that have been removed by the Town shall be held for a period of thirty (30) days and may be reclaimed within that time by payment of the costs of removal. Thereafter, such signs shall be deemed to have been forfeited by the owner and shall be disposed of in accordance with applicable statute.

4.14.14 (Removed 7-18-2011)

4.14.15 (Removed 7-18-2011)