

Article XIV. Supplementary District Regulations

Sec. 70-125 Widening of Streets and Highways

Whenever there shall be plans in existence, approved by either the State Department of Highways and Transportation or by the town council, for the widening of any street or highway, the zoning administrator and/or planning commission may require additional front yard setbacks for any new construction or for any structures altered or remodeled adjacent to the future planned right-of-way in order to preserve and protect the right-of-way for such proposed street or highway widening.

Sec. 70-126 Access to Public Streets

Unless otherwise provided by this chapter, every main building hereafter erected or moved shall be on a lot fronting on a public street, and all buildings shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.

Sec. 70-127 Utilities

(a.) Unless provided elsewhere in this code, all new buildings, structures or uses which are hereafter erected or established must be connected to the town's public water and sewer systems, with appropriate approval prior to the construction or establishment of said buildings or uses, when such buildings or uses are of such a nature that they require the use of water and/or wastewater disposal. Certain agricultural, commercial and industrial uses may be exempted from this provision upon a finding by the appropriate health officials and the town council that such exemption meets all appropriate health standards; however, in no case shall a use in the Floodplain Conservation District, or any other project or development that is specifically required by this chapter or by the town's Subdivision Ordinance to be connected to the town's water and sewer systems, be exempted from this provision.

(b.) For any new project or for remodeling or renovation of an existing project which requires an increase in service capacity, distribution lines for electrical, telephone, cable television and any other services requiring wires and cables shall be installed underground; except that when such project or renovation is located in an area where such underground installation is determined to be unfeasible by the zoning administrator, upon recommendation by appropriate departments, agencies or engineers, it may be exempted from this provision. This exemption shall not apply to any project or development that is specifically required to have underground utility installation by this chapter or by the town's Subdivision Ordinance.

Sec. 70-128 Accessory Uses, Buildings or Structures

(a.) Garages, carports, porches, decks and stoops that are attached to the main building shall be considered part of the main building unless otherwise proved in this chapter.

(b.) No accessory structures or buildings, unless specifically provided for elsewhere in this chapter, shall be erected or extended into any required front yard.

(c.) All accessory buildings or structures, unless specifically provided for elsewhere in this chapter, shall be less than the main building in height, and no accessory structure which is within twenty (20) feet of any party lot line in a residential district, or within ten (10) feet of such line in any other district, shall be more than one (1) story in height.

(d.) No accessory buildings shall be erected within the following distances from any property line or from any other structure, unless specifically provided for elsewhere in this chapter:

1. R-1 Residential District. Ten (10) feet.
2. R-2 Residential District. Ten (10) feet.
3. R-2A Residential District. Ten (10) feet.
4. R-3 Residential District. Ten (10) feet.
5. B-1 Business District. Five (5) feet.
6. B-2 Business District. Five (5) feet.
7. M-1 Industrial District. Ten (10) feet.
8. PRN District. As established in the approved Development Plan.
9. PRMH District. Five (5) feet.

(e.) No accessory building shall be constructed upon a lot until the construction of the main building has actually commenced, and no accessory building shall be used for other than the temporary storage of construction materials, unless the main building on the lot is completed and used.

(f.) Home gardens, as defined, shall be a permitted accessory residential use in all districts where residential uses are permitted; provided, however, that when the produce from such gardens is sold for a fee, the use shall cease to be a permitted residential accessory use and shall be considered to be either a temporary use and/or a home occupation, or an agricultural use, as determined by the zoning administrator, and shall be subject to all applicable regulations governing those activities, as provided in this chapter.

(g.) Nothing in this Section shall be construed to limit other accessory uses not specifically mentioned here or elsewhere in this chapter, provided that they are clearly accessory to the principal permitted use of the land and do not create a threat to public health, safety or welfare of the community.

(h.) Accessory buildings in business and industrial districts on sites which abut a residential district shall be held to the same setbacks required of principal buildings, unless specifically provided for elsewhere in this chapter.

In any district, major recreational equipment shall be stored within the minimum yard requirements. Permanent occupancy of such equipment shall be prohibited. Temporary occupancy shall be allowed for a period not to exceed fourteen (14) days, provided that such equipment is completely self-contained, and that an approved dumping station is used for wastewater and sewage disposal.

Sec. 70- 130 Satellite Dish Antennae

The following provisions shall apply only to communications (“dish”) antennae that exceed eighteen (18) inches in diameter:

(a.) Communications antennae, commonly called “dish” antennae, which do not comply with the restrictions below may be allowed with a conditional use permit, subject to the criteria and procedures established in this chapter, and to the applicant’s ability to satisfactorily mitigate negative aesthetic impacts on adjoining properties. In no case shall a conditional use permit be granted for the placement of a dish antennae in the front yard of a residential district or historic area. Dish antennae shall be permitted in all districts, but shall be limited to one antennae dish per parcel, except with a conditional use permit.

(b.) Ground mounted dish antennae in residential districts shall be permitted within rear yards only, and shall not exceed ten (10) feet in diameter nor fifteen (15) feet in height.

(c.) In all residential districts, ground mounted dish antennae on a corner lot shall be no closer than twenty-five (25) feet to the side street adjacent to the property.

(d.) Ground mounted dish antennae in non-residential districts shall be located within the rear yard unless it is found that a usable signal cannot be obtained from a rear yard location, in which case it may be placed in a side yard, with suitable screening. All dish antennae exceeding ten (10) feet in diameter shall be screened from view at ground level from any public street or residential use. No antennae shall exceed the main building in height and/or the height limitations of the district, which ever is less.

(e.) Roof mounted dish antennae, when designed for that purpose, shall be permitted; except that no roof mounted antennae shall be more than forty-eight (48) inches in diameter, and shall not be visible from any street.

(f.) Dish antennae shall be permanently and securely installed.

Sec. 70- 131 Yards and Open Space

(a.) No open space surrounding any building or structure shall be encroached upon in any manner except in conformity with the yard, lot area and building location regulations herein designated for the district in which such open space, building or structure is located.

(b.) No yard or other open space provided about any building, for the purpose of complying with the provisions of this chapter, which is considered to be a yard or open space for one lot shall be considered as a yard or open space for a building on any other lot.

(c.) All yards and courts required by this chapter shall be open and unobstructed to the sky, except as otherwise permitted in the chapter.

Sec. 70- 132 Projections into Yards

The following projections shall be permitted into required yards and shall not be considered in the determination of yard size or lot coverages:

(a.) Chimneys may extend up to three (3) feet into any required yard; provided that they are not closer than five (5) feet to any adjoining lot line.

(b.) Open fire escapes may extend up to five (5) feet into a required yard; provided that they are not closer than five (5) feet to any adjoining lot line.

(c.) Cornices, awnings, gutters or similar structural overhangs which are at least eight (8) feet above grade may extend up to three (30 feet into any required yard; provided that they are not closer than five (5) feet to any lot line. No such projection shall have a vertical surface area whose area is more than twenty-five (25) percent of the area obtained by multiplying the mean height of the structure by the length of the structure along which the yard is violated.

(d.) Uncovered patios, stoops, terraces or decks which are attached to the principal structure and which have no part of their floor higher than three (3) feet above grade on the lot may extend up to five (5) feet into a required front yard, ten (10) feet into a required rear yard, and three (3) feet into a required side yard; provided that any such patio, stoop, terrace or deck shall not be located closer to any lot line than one-half (1/2) the distance measured from the applicable lot line to the closest point of the corresponding building face. When two town houses are attached, such patio, terrace, stoop or deck shall not be located closer than two (2) feet to the commonly shared side lot line.

Uncovered patios, terraces, stoops or decks which are attached to the principal structure and which are more than three (3) feet above grade on the lot may extend up to ten (10) feet into a required rear yard; provided that such patio, terrace, stoop or deck is not located closer to the rear lot line than one-half (1/2) the distance measured from the rear lot line to the closest point of the dwelling. The front and side yard requirements as set forth in the applicable district regulations shall apply; however, when two town houses are attached, such patio, terrace, stoop or deck shall not be located closer than two (2) feet to the commonly shared lot line.

(e.) A one story bay window may project not more than three (3) feet into any required yard area.

Sec. 70- 133 Fences, Walls and Hedges

(a.) Construction

1. No fragile, readily flammable material such as paper, cloth or canvas shall constitute any part of a fence, nor shall any such material be employed as an adjunct or supplement to any fence.

2. No barbed wire, electrical elements or other hazardous materials shall be maintained as a fence or part of a fence or wall in a residential district. However, such restrictions may be waived by the planning commission for uses which are isolated from residential uses.

(b.) Placement

Fences, walls and hedges may be located within required yards in all districts. Placement of fences, walls and hedges on corner lots is regulated in Sec. 70- 134 of this Article.

(c.) Height

Except as otherwise provided in this chapter, the following height limitations shall apply. The height of fences, walls and hedges on corner lots is regulated in Sec. 70- 134 of this Article.

1. In residential districts, the height of fences, walls and hedges shall not exceed six (6) feet, as measured from the topmost point thereof to the ground or surface along the centerline of the fence, wall or hedge, except when abutting a non-residential district or use, in which case such fences, walls or hedges may be up to eight (8) feet in height in a rear or side yard only.

2. In non-residential districts, the height of walls, fences or hedges shall not exceed six (6) feet in a front yard and eight (8) feet in a side or rear yard. The aforesaid provision notwithstanding, no fence, hedge, wall or barricade of any kind shall be constructed on or between abutting properties in commercial districts that share joint off-street parking or that are utilized for traffic flow, unless it is determined by the zoning administrator that such fence, wall or barricade will promote the general welfare of the public and decrease traffic hazards in the general vicinity.

3. Fences or walls surrounding industrial sites, public playgrounds, institutions or schools may be erected up to a height of fourteen (14) feet upon approval by the planning commission.

4. Walls, fences and other enclosures for special uses, such as transformers and substations, may be restricted by other regulations which shall supercede this Section.

Sec. 70- 134 Visual Obstructions

On a corner lot in any district other than the B-1 Business District, nothing shall be erected, planted, placed or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 ½) feet and ten (10) feet above the street grade level in the area bounded by the curb line, or edge of pavement where there are no curbs, and a line adjoining points along said curb lines twenty (20) feet from the point of the intersection of the two streets.

This Section shall not apply to authorized street and traffic signs and utility poles, but shall apply to all other signs.

Sec. 70- 135 Landscaping, Buffering and Screening

In addition to such requirements for landscaping, buffering and screening as are set forth in this chapter, the zoning administrator and/or planning commission may require landscaping, buffering and screening for any use when such requirements are deemed necessary to mitigate possible adverse effects of such proposed use on existing surrounding uses. It shall be the responsibility of the owner of any property where landscaping and/or screening is required to insure the continued maintenance, repair, and/or replacement of such landscaping or screening materials.

(a.) Landscaping

1. Where required by this chapter or upon recommendation of the zoning administrator and/or planning commission, a detailed planting plan shall be submitted with the site plan. Such plan shall specify the type, size and location of existing and proposed planting material.

2. Landscaping that is required in front setback areas must take into consideration traffic hazards. Such planting shall not exceed two and one-half (2 ½) feet in height, and shall not extend to within fifty (50) feet of the corner of intersecting streets, and twenty-five (25) feet of a curb opening.

3. All new or enlarged parking areas, excluding industrial sites, which require more than twelve (12) parking spaces shall include well-defined and well-maintained landscape areas equal to at least ten (10) percent of the total area to be used for parking, maneuvering, and driveways on-site. All such planting and ground cover shall be maintained and replaced when necessary. If trees are located within an interior island, a curbed, unpaved area shall be provided at the base of each tree. This provision shall not apply to the portion of a lot of an automobile sales center that is used for the storage, display and sale of automobiles.

4. In order to preserve the character and natural environment and to provide visual and noise buffering, the zoning administrator and/or planning commission may refuse to approve any site plan which proposes unnecessary destruction of trees and other natural features. The zoning administrator shall require assurance that the developer has made reasonable effort, in light of the proposed development, to preserve, replenish and protect: trees of eight (8) inch caliper or larger, and ornamental trees of any size; trees within required setbacks or along boundaries unless necessary to remove for access, grading, circulation or utilities; and streams in their natural condition.

(b.) Buffer-Yards

1. Buffer yards are land areas provided to buffer adjacent land uses, and shall be used for the planting of landscape materials. Such buffer-yards may be required by the zoning administrator and/or planning commission when deemed necessary for the protection of existing adjoining uses from possible adverse effects of the proposed use.

Buffer-yards shall not be used for buildings, the storage of materials, or parking or loading areas. Driveways and entrances connecting adjacent parking lots or developments may interrupt the required buffer yard.

2. Buffer-yards may be provided in the area required for setbacks by the district regulations, except in residential zoning districts. Buffer-yards in residential districts may be provided in any one of the following ways: in common open space; in common use easements located outside of the required lot area; or by providing additional yard space in addition to the required minimum yard requirements listed in the residential district regulations.

3. The individual area required for buffer-yards shall be stipulated by the zoning administrator and/or planning commission at such time as a buffer-yard is required for a specific project.

(c.) Screening

1. The zoning administrator and/or planning commission shall consider that any site plan should be designed to minimize the impact of any adverse visual effects and noise on adjacent residential property, and, where necessary, fences, walls and/or vegetative screening may be required to be provided and maintained to further these purposes.

2. In addition to screening requirements set forth in this chapter, all storage of materials, supplies and equipment on a properly zoned lot adjacent to a lot in a residential district shall be screened with a solid masonry wall, a uniformly finished solid board fence with its finished side facing the adjacent residential lot, or an evergreen hedge, six (6) feet in height. Alternate screening proposals may be approved by the zoning administrator and/or planning commission when it is deemed that such screening complies with the intent of this Section.

3. Any required screening as set forth in this chapter that is not specifically regulated as to material, width, height, etc., must be approved by the zoning administrator.

Sec. 70- 136 Temporary Use Regulations

There are certain uses which may be permissible on a temporary basis, subject to the controls, limitations and regulations of this Section and other applicable ordinances and regulations. The following subsections provide the procedures and criteria to be used by the zoning administrator in reviewing temporary use applications.

(a.) Permitted Temporary Uses with an Approved Temporary Use Permit

1. Model homes.
2. Wayside stands.
3. Christmas tree sales.
4. Temporary trailers and buildings, for construction work only.
5. Temporary portable storage containers.

6. Carnivals, circuses, bazaars, arts and crafts shows, dog shows, horse shows, fireworks shows, festivals, civil war battle reenactments, tent revivals or similar meetings or rallies.
7. Outdoor retail sales events.
8. Farmer's markets.
9. Other similar temporary uses.

Not all of these uses may be suitable in a particular district or in a specific location within a district. It shall be the responsibility of the zoning administrator to determine such suitability based upon the peculiar circumstances of each application as it regards the proposed temporary use and the proposed location of such use.

(b.) Application, Review and Enforcement Procedures

1. Pre-application Conference Prior to formal filing of the application, the applicant may confer with the zoning administrator or his designee to obtain information and guidance.

2. Filing of Application Any person desiring to establish a temporary use shall submit an application for a temporary use permit to the zoning administrator, on an application form provided by the town, at least one month prior to the date the permit is to take effect. The zoning administrator may approve a shorter time period for filing if good cause is shown. The applicant must submit proof of ownership of the property, or written permission of the owner of the property for the use requested.

3. Agency Review The zoning administrator shall inform, as he deems appropriate, the police department, fire department, public works department, town engineer, planning commission, and any other affected agency, of the nature of the proposed activity and obtain, in writing, their comments and recommendations.

4. Issuance or Denial of Permit If the zoning administrator finds that the application complies with the standards set forth in this Section, and other applicable provisions of the law, and is suitable for the location in which it is to be conducted, he shall issue a temporary use permit, setting forth the duration of the permit and such conditions as will protect the health, safety and welfare of the public and nearby property owners. Otherwise, the zoning administrator shall deny the application. The zoning administrator may require a cash bond to ensure removal of all structures, trash, debris and signs associated with the temporary use.

5. Termination At the end of the time period for which the temporary use was permitted, including any renewal or extensions periods, the use shall be discontinued, and all temporary structures and signs shall be removed within forty-eight (48) hours. Failure to comply with this requirement shall be a violation of this chapter.

6. Renewals and Extensions Requests for renewal or extension shall be made to the zoning administrator. The procedure for the renewal of a temporary use permit shall be the same as specified in this Section for the approval of the original temporary use permit. The permit for the use of temporary trailers and builds, as provided in this Section, may be extended, upon written approval of the zoning administrator, in one year increments, and applications for renewal must be filed at least ninety (90) days prior to the expiration of the original temporary use permit.

7. Revocation of Permit The zoning administrator may revoke a temporary use permit at any time upon the failure of the owner or operator of the use covered by the permit to observe all requirements of the permit, this Section, and other relevant provisions of law. Notice of such revocation shall be given in writing by the zoning administrator to the owner or operator of the use, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this chapter.

8. Appeal Any person aggrieved by an action of the zoning administrator in granting or denying a temporary use permit may appeal the decision to the board of zoning appeals, in accordance with the provisions of Article XIX of this chapter. In the case of appeal from the revocation of a temporary use permit, the aggrieved party may request a meeting with the zoning administrator. Within five (5) business days of the meeting, the administrator shall inform the aggrieved person, in writing, of his decision to affirm, modify or rescind the revocation of the permit. Any person aggrieved by such actions of the zoning administrator may appeal the decision to the board of zoning appeals.

9. Fees A fee shall accompany the application for a temporary use permit, as provided for in this chapter. Fees for appropriate business and other licenses shall be in accordance with the applicable town ordinances and other regulations.

(c.) General Standards for Permitting Temporary Uses

No temporary use shall be permitted unless it is determined that the following requirements are met. It shall be the applicant's responsibility to demonstrate compliance with these standards. The zoning administrator may impose reasonable conditions on the proposed use to ensure compliance with these standards and with all other applicable provisions of law and town ordinances and regulations.

1. Adjacent uses shall be in no way adversely impacted by the temporary use, and all adjacent uses shall be suitably protected from any negative effects of the use, including noise and glare.

2. The use shall not create hazardous conditions for vehicular or pedestrian traffic, or result in traffic in excess of the capacity of the streets serving the use.

3. Adequate refuse management, security, emergency services and similar necessary facilities and services shall be available for the temporary use, and all necessary sanitary facilities shall be approved by the appropriate health agency.

4. The site is suitable for the proposed use, considering flood hazard, drainage, soils and other conditions which may constitute a danger to life, health or property.

5. The use shall not have a substantial adverse impact on the natural environment, including trees, ground cover and vegetation.

(d.) Special Provisions for Model Homes

1. Temporary permits for model homes may be issued for a period not to exceed one (1) year. The zoning administrator may renew said permit upon written application, provided that the model home has been constructed and operated substantially in accordance with the standards herein.

2. All parking shall be provided off-street. A minimum of three (3) parking spaces shall be provided for the first model home in a subdivision, condominium or other development, and two (2) spaces shall be provided for each additional model home. Such spaces need not be paved, but must be delineated with curb stops.

3. The permit holder may not use the model home as his or her principal place of business. The model home shall be used for display purposes only, and not as a contractor's office, real estate office, or annex thereof; however, price quotations may be given and binders may be executed on the premises.

4. The zoning administrator may establish permissible hours of business for activities of the model home when deemed in the best interest of surrounding uses to do so.

5. No construction materials or construction equipment may be stored in the model home.

6. Illumination of model homes shall not cause glare, infringe on neighboring properties, or adversely affect passing traffic.

7. One temporary use sign may be permitted, in accordance with the provisions of Sec. 70- 152 of this Article.

(e.) Special Provisions for Wayside Stands

1. Adequate provision must be made for off-street parking and for safe ingress and egress. Entrances and exits to roads shall be clearly delineated.

2. Such use shall be located on a lot having frontage on a public street.

3. Structures for wayside stands shall not exceed four-hundred (400) square feet in floor area and they shall not be closer than twenty (20) feet to a side property line.

4. The hours of operation shall be limited to daylight hours; however, night operations may be permitted in non-residential districts with a lighting plan approved by the zoning administrator.

5. Produce sales shall be limited to seasonal or perishable produce, including flowers and plants.

6. One temporary use sign may be permitted, in accordance with the provisions of Sec. 70- 152 of this Article.

(f.) Special Provisions for Christmas Tree Sales

1. Adequate provision must be made for off-street parking and for safe ingress and egress. Entrances and exits to roads shall be clearly delineated.

2. Such use shall be located on a lot having frontage on a public street.

3. The hours of operation shall be limited to daylight hours; however, night operations may be permitted in non-residential districts with a lighting plan approved by the zoning administrator.

4. One temporary use sign may be permitted, in accordance with the provisions of Sec. 70- 152 of this Article.

(g.) Special Provisions for Temporary Trailers and Buildings for Construction Purposes

1. Such trailers or buildings may only be used in conjunction with construction work. They shall be used for non-dwelling purposes only.
2. The request for the temporary use permit shall be filed by or certified to by the contractor as being essential to the construction.
3. Permits for temporary trailers or buildings may be issued for a period not to exceed one (1) year. The zoning administrator may extend such permit, in accordance with the provisions of this Section.
4. Such trailers and/or buildings shall be removed immediately upon the completion of construction or upon the expiration of the temporary use permit, whichever comes first.

(h.) Special Provisions for Temporary Portable Storage Containers

1. Placement of containers shall not necessitate a permit unless it will be placed on a property longer than 30 days, however, it shall conform to all other requirements of this chapter.
2. Containers are prohibited on any lot without a principle structure unless otherwise authorized by the zoning administrator.
3. Containers shall comply with all setback requirements as that of an accessory building based upon the zoning district in which it is placed unless otherwise authorized by the zoning administrator.
4. Containers shall not be connected to any utilities.
5. Containers shall not block vehicle entrances, drive aisles, required parking or fire lanes.
6. No container shall exceed 17 feet in length, 9 feet in width, and 9 feet in height.
7. Any violations will be handled in accordance with Sec. 70-190 "Violations and Penalties".
8. This section does not apply to any business located within the town who sells, distributes or rents portable storage units as a business.

(i.) Special Provisions for Carnivals, Circuses, Festivals, Arts and Craft Shows, Fairs, Outdoor Retail Sales Events, Fireworks Shows, Tent Revivals, Re-enactments and Other Similar Temporary Uses

5. A temporary use permit for such activities shall be issued for not more than ten (10) consecutive days.
6. Adequate provisions must be made for off-street parking and for safe ingress and egress, and must be approved by the zoning administrator.
7. The permitted hours of operation shall be determined by the zoning administrator. Night operations shall be permitted only if there is a lighting

plan approved by the administrator which provides for safe lighting without excessive glare into residential areas or on to public streets.

8. All temporary use signs shall be approved by the zoning administrator, and shall be in accordance with the provisions of Sec. 70-152 of this Article.

Sec. 70- 137 Home Occupations

It is the intent of this Section to ensure the compatibility of home occupations with other permitted uses, to preserve the character of residential neighborhoods, and to prevent excessive noise, traffic, nuisance, safety hazards, and other potentially adverse impacts of commercial uses conducted in residential areas. Home occupations may be permitted in any dwelling in any district where residential uses are permitted. In addition to applicable restrictions in each district, home occupations shall be subject to the following restrictions:

(a.) The home occupation shall be operated only by residents of the dwelling unit. If the operator is a tenant, written permission of the land owner is required. Not more than one person who is not a member of the family occupying such dwelling shall be employed on the premises in connection with the home occupation.

(b.) The home occupation shall be clearly incidental or secondary to the use of the dwelling as a residence and shall be restricted to the residence only. No accessory building shall be constructed or used for storage of inventory in conjunction with the home occupation.

(c.) Home occupation activities shall not occupy more than twenty-five (25) percent of the floor area of the dwelling.

(d.) No storage or display of products, goods or commodities shall be visible from outside the dwelling.

(e.) No alteration to the exterior appearance of the dwelling or premises shall be made which changes the residential character of the property.

(f.) No on-premises sale of merchandise shall be allowed.

(g.) No equipment shall be used except as is customarily used for purely domestic or household purposes. No toxic, explosive, flammable, combustible, corrosive, radio active or other dangerous or hazardous materials shall be used or stored on the site. The dwelling or premises shall not be rendered objectionable or detrimental to the residential character of the neighborhood due to emission of odor, gas, smoke, dust, noise, vibration, glare, electrical disturbance, or similar condition.

(h.) No motor vehicle shall be regularly operated from the premises that displays advertising for the home occupation.

(i.) There shall be no advertising on the premises in the R-1 Residential District, and there shall be no advertising on the premises other than a single, non-illuminated, non-electric

sign in any other residential district, in accordance with the provisions of Sec. 70- 152 of this chapter. Such sign shall not exceed six (6) feet in height, and shall be set back at least five (5) feet from all property lines and road right-of-ways.

(j.) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation is required to be provided on-site, and shall be done in a manner which protects the residential character of the area and the visual appearance of the residence.

(k.) A home occupation shall comply with all applicable town ordinances and regulations, including the need to obtain applicable business licenses and a home occupation permit, in accordance with the provisions of this Section. In addition, home occupations shall comply with all applicable county, state or federal regulations governing the activity.

(l.) In-home day care, as defined, for up to nine (9) persons shall be considered a permitted home occupation, provided that the other provisions of this Section and chapter are complied with.

(m.) Permitted home occupations shall not, in any event, include: in-home day care for more than (9) persons; bed and breakfast establishments; rooming or boarding houses; nursing homes; beauty parlors, barbershops, or manicurists with more than one chair; massage parlors; animal hospitals; kennels; animal grooming business; dance instruction or exercise studios; restaurants; automobile repair or paint shops; wayside stands; outdoor repair or service; rental of any equipment or other items; welding or machine shops; or other similar uses. If there is a question regarding the appropriateness of an activity, the zoning administrator shall determine, based upon the criteria set forth in this Section and in this chapter, if the activity is a permitted home occupation. The administrator may request review by the planning commission or other appropriate agencies prior to making such a determination.

(n.) Application, Review and Enforcement Procedures

1. Any person desiring to establish a home occupation, as authorized herein, shall submit a home occupation permit application to the zoning administrator on a form provided by the town. The administrator shall review the application for compliance with this Section and other applicable provisions of law and shall make a decision to approve, approve with conditions, disapprove, or refer the application to the planning commission or other agencies for review, within two (2) weeks of the date a complete application is received. The zoning administrator may impose reasonable conditions on the conduct of the home occupation use.

2. All home occupation permits shall remain valid unless there is a violation of this Section or of the conditions of the permit, or unless a current business license is not maintained. Home occupation permits shall be renewed annually by application for a business license.

3. Home occupation applicants shall permit reasonable inspections of the premises by the zoning administrator or his designee to determine compliance with this Section and the conditions of the home occupation permit.

4. The zoning administrator, upon becoming aware of any violation of this Section or of the conditions of the permit, shall serve a notice of violation to the operator of the home occupation. Upon the receipt of such notice, the operator of such activity will have ten (10) days to correct the violation.

5. The zoning administrator may revoke a home occupation permit for violation of this Section of the conditions of the permit. Notice of such revocation shall be given in writing by the administrator to the operator of the home occupation, by hand delivery or certified mail, setting forth the reasons for the revocation, the date and time upon which the revocation is effective, and the appeals procedure. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this chapter.

6. Any person aggrieved by an action of the zoning administrator in granting, denying or revoking a home occupation permit may appeal the decision to the board of zoning appeals, in accordance with the provisions of Article XIX of this chapter.

7. Fees for appropriate business licenses shall be in accordance with applicable town ordinances and regulations.

Sec. 70- 138 In-Home Day Care

In-home day care, as defined, shall be subject to the following provisions:

(a.) In-home day care of up to nine (9) persons shall be considered a home occupation, and may be permitted where allowed by this chapter. It shall be subject to the regulations set forth in Sec. 70- 137 of this Article, and to all other applicable town, county, state and federal laws and regulations.

(b.) In-home day care of more than nine (9) persons shall be considered to be a day care center/facility, as defined and as provided in Sec. 70-140 of this Article.

Sec. 70- 139 Group Homes

Group homes, as defined, shall be subject to the following provisions:

(a.) Group homes must be licensed by the Department of Mental Health, Mental Retardation, and Substance Abuse Services.

(b.) All district regulations for single-family dwellings, including allowable signage, shall be applicable to group home residential facilities.

(c.) No changes shall be made to the exterior of a building serving as a group home that would detract from its appearance as a residence.

Sec. 70- 140 Day Care Centers / Facilities

Day care centers/facilities, as defined, shall be subject to the following provisions:

- (a.) Day care centers may be permitted where allowed by this chapter, and must comply with all applicable town, county, state and federal laws and regulations.
- (b.) No signage other than normally allowed in the district shall be permitted.
- (c.) Off-street parking shall be provided in accordance with Sec. 70-150 of this Article.
- (d.) Landscaping, buffering, and/or screening may be required as a permit condition, along with other requirements or restrictions that will ensure both the safety of the persons utilizing the day care facility, and the compatibility of the facility with surrounding residences or uses.

Sec. 70- 141 Nursing and Convalescent Homes (including Homes for the Elderly)

- (a.) All state rules and regulations for the licensing of such uses shall apply.
- (b.) All requirements of the county and state health department and fire marshall's office regarding such uses shall apply.
- (c.) No signage other than normally allowed in the district shall be permitted.
- (d.) Off-street parking shall be provided in accordance with Sec. 70-150 of this Article.
- (e.) Additional requirements or restrictions may be imposed as a permit condition, to ensure both the safety of the residents of the facility, and the compatibility of the facility with surrounding residences and uses.

Sec. 70- 142 Professional Offices

In addition to applicable restrictions in each district and requirements that may be imposed by conditional use permit, professional offices that are located within a residential district, where allowed by this chapter, shall be subject to the following provisions:

- (a.) All activity, equipment and displays, other than signs and parking, must be housed in a fully enclosed building.
- (b.) No noise or odor produced as a result of activity in such offices shall be discernable beyond the boundaries of the lot.
- (c.) All vehicular access to the site shall be from a public street.
- (d.) All parking shall meet the requirements for off-street parking, as provided in Sec. 70-150 of this Article.
- (e.) Signs shall be in accordance with Sec. 70-152 of this Article.

Sec. 70- 143 Bed and Breakfast Establishments

The intent of this Section is to permit and regulate the operation of bed and breakfast establishments, as defined, in appropriate locations throughout the town in an effort to stimulate tourism. For the purposes of this chapter, bed and breakfast establishments shall not be considered a home occupation. In addition to applicable restrictions in each district and requirements that may be imposed by conditional use permits, bed and breakfast establishments that are located with a residential district, where allowed by this chapter, shall be subject to the following provisions:

- (a.) They shall be permitted only in a single-family detached dwelling unit which is used and regulated primarily as a private residence.
- (b.) The owner or operator shall reside on the premises.
- (c.) No changes shall be made in the building exterior that would detract from its appearance as a residence.
- (d.) A maximum of eight (8) rooms may be provided for use as sleeping accommodations for paying guests.
- (e.) The maximum consecutive length of stay shall be fourteen (14) days for each guest.
- (f.) Breakfast, and no other meals, may be served to overnight guests only. No receptions, private parties, etc. for fees shall be permitted.
- (g.) All applicable state and county building and health codes shall be met.
- (h.) Landscaping, screening and/or buffering may be required for a conditional use permit in order to mitigate potentially negative impacts on adjoining properties.
- (i.) Off-street parking shall be provided in accordance with Sec. 70-150 of this Article.
- (j.) Signs shall be in accordance with Sec. 70-152 of this Article.

Sec. 70- 144 Shopping Center Regulations

Shopping centers shall consist of a harmonious selection of uses, planned in such a manner as to provide a safe, convenient and efficient grouping of building(s), service and parking areas, circulation and open space. The proposed development shall be constructed in accordance with an overall plan and shall be designated as an architectural unit with appropriate landscaping. Construction that is done in stages shall be within a timing schedule approved by the town council. Before a conditional use permit is granted for a shopping center, a detailed site plan shall be submitted to the zoning administrator, in accordance with the provisions of Article XVII of this chapter. Such plan shall include evidence that the development shall be executed in accordance with the following requirements:

(a.) Ownership

Shopping centers shall be in a single ownership or under a guaranteed unified management control.

(b.) Area and Bulk Regulations

1. Lot Size The minimum area for development shall be one (1) acre.
2. Building Area The minimum aggregate enclosed building space shall be fifteen thousand (15,000) square feet.
3. Lot Coverage The maximum building coverage of the lot area, excluding paved areas, shall be twenty-five (25) percent.
4. Building Height Building height shall be up to two stories, and thirty-five feet maximum. Chimneys, flues, flagpoles, television antennae and radio aerials are exempt.
5. Setback No building may be located closer than one-hundred (100) feet to the ultimate right-of-way of any public street.
6. Rear and Side Yards Rear and side yards shall be a minimum of twenty-five feet, unless abutting a residential district, in which case the minimum rear and/or side yard shall be fifty (50) feet.
7. The distance at the closest point between any two buildings or groups of units of attached buildings shall not be less than twelve (12) feet.
8. For the purposes of calculating the area and bulk requirements of this Section, a single shopping center cannot lie on two sides of a public street or alley. Any area designated as being a shopping center and lying on both sides of a public street or alley shall be deemed to be two (2) shopping centers, and all minimum requirements shall be met by buildings on each side of said street or alley as separate developments.

(c.) Off-Street Parking and Loading Requirements

Off-street parking shall be provided on the premises at a rate of one (1) off-street space for every one-hundred (100) square feet of gross floor area, plus such additional spaces as may be required in Sec. 70-150 of this Article for theaters, restaurants, etc. Parking shall be permitted in any required yard area up to a point of twenty-five feet from any front, side or rear lot line in the shopping center. All parking areas and loading spaces shall be suitably paved with a permanent, hard surface material, and shall be clearly delineated. Curb and gutter shall be required when deemed necessary by the zoning administrator and/or planning commission in order to manage storm drainage, channelize traffic, protect buildings and landscaping areas, and separate pedestrian and vehicular circulation areas. Adequate areas shall be provided for the loading and unloading of delivery trucks and other vehicles, in accordance with Sec. 70-151 of this Article. All parking, loading and service areas used by motor vehicles shall be located entirely within the lot lines of the shopping center and shall be physically separated from public streets.

(d.) Access and Traffic Controls

Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways servicing the center without undue congestion to, or interference with, normal traffic flow. All points of vehicular access to and from public streets shall be located not less than two-hundred (200) feet from the intersection of any public street lines. The town council shall satisfy itself as to the adequacy of the thoroughfare to carry the additional traffic engendered by the shopping center. The developer shall be responsible for the purchase and erection or construction of any necessary traffic control devices as may be required by the State Highway Department or by the town. No access area may be located closer than twenty-five (25) feet to a side or rear property line abutting a residential district.

(e.) Interior Circulation

Interior access ways shall be designed so as to prevent the blocking of vehicles entering or leaving the site, and shall comply with all applicable provisions of Sec. 70-150 of this chapter. Areas provided for loading or unloading of trucks and other vehicles or for servicing of shops for rubbish collection or other services shall be adequate in size and shall be so arranged that they may be used without blocking or interfering with the interior circulation and parking facilities. Pedestrian walkways shall be paved with a permanent, hard surface material and shall be arranged in a safe and convenient manner.

(f.) Lighting

Lighting for buildings, signs, access ways and parking areas shall be arranged in a manner which will protect public streets and neighboring properties from unreasonable direct glare or hazardous interference of any kind.

(g.) Utilities

All shopping centers shall be connected to the town's water and sewer systems. All utilities, including telephone, television cable, and electrical systems shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened.

(h.) Shopping Cart Storage

Establishments furnishing carts or mobile baskets shall provide definite areas on the premises that are designed specifically for the storage of such items. These storage areas shall be clearly marked.

(i.) Screening, Buffering and Landscaping

In addition to the provisions of Sec. 70-135 of this Article, the following provisions for screening, buffering and landscaping shall apply:

1. Loading and service areas shall be screened from view from any abutting roadway and from within the parking area. Storage areas for trash and rubbish shall be completely screened, and all organic rubbish shall be contained in vermin-proof containers.
2. All lot lines abutting residential districts along the rear and/or side yards shall be appropriately and uniformly screened by a fence, wall, evergreen hedge or other suitable enclosure of a minimum height of six (6) feet and a maximum height of eight (8) feet, allowing no separation between elements of a screening except for driveways. If year-round plantings are used, a landscaped area shall be provided at least five (5) feet in width along the entire side and rear lot lines.
3. A landscaped planting area shall be provided along street frontage occupied by a shopping center at least six (6) feet in width and must be located between the property line and a line parallel to and six (6) feet inside the property line. Such landscaping shall take into consideration traffic hazards, as provided in Sec. 70-135 of this Article.

(j.) Maintenance

The owner shall be responsible for establishing provisions for and guaranteeing all exterior maintenance of the shopping center, including but not limited to parking areas, landscaping, lights, screening, pedestrian walkways, open space, buildings and structures.

(k.) Additional Requirements

The town council may prescribe further reasonable conditions as it deems appropriate with respect to the suitability of a shopping center in the B-1 or B-2 Business District.

Sec. 70- 145 Town House Regulations

Town house developments, where permitted by this chapter, shall comply with all requirements set forth in the district regulations, and shall also comply with the following provisions:

(a.) Dimensional and Density Requirements

1. The minimum lot size for town house development shall be one-half (1/2) acre.
2. The minimum lot width for town house construction shall be one-hundred and twenty (120) feet at the setback line.
3. Lot area, setback, yard, frontage and height regulations for individual town house units shall be as established in the various districts where town houses are permitted.
4. Density of development shall not exceed ten (10) dwelling units per gross acre.

5. In any district, not less than three (3) units and not more than six (6) units shall be contained in any town house grouping.

(b.) Open Space

1. Open space requirements for town house developments exceeding one (1) acre shall be as established in the various districts where town houses are permitted.
2. Such green space shall be established for the common use and enjoyment of the residents of the town house development, and shall not be improved with streets, roads, parking areas, or buildings or structures (other than buildings or structures established for recreational uses, which may comprise up to twenty-five (25) percent of the required open space area). Common open space includes developed recreational space, such as playgrounds, pedestrian ways and bicycle paths.
3. Usable open space shall not include yard areas of individual town house units.
4. All open space shall be preserved for its intended purpose, as expressed in the approved site plan.
5. Management of open space shall be in accordance with the provisions of this Section.

(c.) Access and Circulation

1. The town house development's vehicular and pedestrian systems shall be designed to provide safe and convenient access to individual town house units, parking areas, and common open space.
2. All town house units shall front on a dedicated public street. If there is insufficient space for appropriate parking, and upon approval by the planning commission, units may front on an access easement, which shall meet state standards for secondary roads. In addition, such access easements shall meet the following minimum standards of development:
 - a. All requirements and development standards shall conform to the regulations set forth in the town's Subdivision Ordinance.
 - b. Concrete curb and gutter shall be required on both sides of the easement.
 - c. Such easements shall have unobstructed access to a public street.
 - d. Sidewalks, four (4) feet in width, constructed of concrete or brick, shall be required on the side of the easement must be paved with a permanent hard surface material.
 - e. All access easements must be paved with a permanent hard surface material.
3. Individual walks of a minimum of four (4) feet in width, constructed of concrete or brick, shall be installed to each town house unit from a street or access easement, or from a driveway or parking area connected to a street or access easement.

4. In addition to street sidewalks as required in the town's Subdivision Ordinance, sidewalks of four (4) feet in width, constructed of concrete or brick, shall be installed from joint parking areas to all town house units served by such facilities. Such paved walks shall also be provided in interior areas where pedestrian traffic is anticipated to be congested.
5. The minimum radius for cul-de-sacs shall be fifty (50) feet. No more than twenty-five (25) units shall be located on any cul-de-sac.
6. Other requirements may be imposed by the zoning administrator and/or planning commission when deemed necessary for the public safety.

(d.) Off-Street Parking

In addition to applicable provisions in Sec. 70-150 of this Article, off-street parking shall be provided as follows:

1. A minimum of two and one-half (2 ½) parking spaces per unit, each space containing a minimum of two-hundred (200) square feet, shall be provided. Two such spaces shall be located on the individual town house lot; on a joint parking facility located no further than one-hundred and fifty (150) feet from the town house unit which it serves, via the most direct, common pedestrian route; or along access easements, when allowed by this Section. Spaces over two per unit may be located on a joint parking facility; on a designated visitor parking facility; or along access easements, as above.
2. Each off-street parking area, including driveways on individual lots and joint parking facilities, shall be paved with a permanent hard-surface material.
3. Each off-street parking area and joint parking facility shall have unobstructed access to a public street or to an access easement.
4. Parking areas and joint parking facilities shall not be located or designed so as to require vehicles entering or exiting the site to make an unlawful maneuver within the public right-of-way.
5. Entrances and exits to access drives and joint parking facilities shall have a minimum width of twelve (12) feet for each lane of traffic entering or leaving the site, but at no time shall exceed thirty (30) feet in width at the street line.
6. Entrances, exits and access easements shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
7. All dead-end parking facilities shall be designed to provide sufficient back-up area for the end stalls of the parking facility.
8. Concrete curb and gutter shall be installed in all off-street parking facilities when such curb and gutter is deemed necessary by the zoning administrator and/or planning commission for the management of storm drainage, the channeling of traffic, the protection of buildings and landscape areas, and the separation of pedestrian and vehicular circulation areas.

(e.) Utilities, Services and Easements

1. Within the town house development, all utilities, including telephone, television cable and electrical systems, shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened, thereby exempting them from this requirement.
2. Town house developments must provide adequate drainage and easements for the maintenance of utilities.
3. All town house units must be individually connected to the town's public water and public sewer systems.

(f.) Design Standards and Improvements

All applicable design standards and improvements as required and set forth in this chapter and in the town's Subdivision Ordinance shall be followed.

(g.) Construction

Attached dwellings shall be separated by a noncombustible party wall to the roof line, with a fire resistance of not less than two hours duration, or the current requirements of the Virginia Uniform Statewide Building Code, whichever is greater.

(h.) Facades

The facades of dwelling units in a town house development shall be varied by changed front yards of not less than two (2) feet and variations in materials or designs, so that not more than three (3) units will have the same front yard depth or essentially the same architectural treatment of facades and roof lines.

(i.) Accessory Buildings

Accessory buildings are not permitted, except that in a town house lot rear yard there may be an enclosed storage structure not exceeding seven (7) feet in height or exceeding ten (10) feet by ten (10) feet in area.

(j.) Lighting

Lighting for buildings, interior walkways, and parking areas shall be provided for safety and convenience of residents, but it shall be so arranged as not to reflect toward any public streets or cause any annoyance to building occupants or surrounding property owners or residents.

(k.) Storage of Trash and Rubbish

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proof containers.

(l.) Screening, Buffering and Landscaping

1. Upon recommendation of the zoning administrator and/or planning commission, sufficient area may be required to adequately screen and/or buffer the town house development from adjacent residential uses. Such screening and/or buffering shall be provided in accordance with Sec. 70-135 of this Article.
2. Upon recommendation of the zoning administrator and/or planning commission, a planting plan specifying the type, size and location of existing and proposed planting material may be required. Such plan shall be submitted with the site plan.

(m.) Management of Open Space and Improvements

Management of all common open space and improvements shall be as follows:

1. The developer shall provide for the establishment of an incorporated property owner association of all individuals or corporations owning property within the town house development to insure the maintenance of all open space, common land, facilities, utilities and improvements, including but not limited to detention ponds and other erosion and sedimentation and/or stormwater management structures.
2. An organization established for this purpose shall meet the following requirements:
 - a. The organization shall be established prior to the sale of any lots.
 - b. Membership in the organization shall be mandatory for all property owners, present or future, within the town house development, and said organization shall not discriminate in its membership or shareholders.
 - c. The organization shall manage all common open space and recreational facilities, and it shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the development. It shall also secure adequate liability on such land.
 - d. All such lands and improvements shall be described as to location, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the method of assessment for maintenance of such lands and improvements. Such assessments shall constitute a pro-rata lien upon the individual town house lots. Covenants, conditions and restrictions shall run with the land and be for the benefit of present, as well as future, property owners.
3. All property deeds shall include the above restrictions, conditions and covenants and shall contain a prohibition against partition.
4. The responsibility for the maintenance of town house exteriors, individual lawns, snow removal from other than public streets, refuse storage and other

similar services, shall also be addressed by the above restrictions, conditions, and covenants.

5. The developer shall be responsible for the management and maintenance of all private common areas, easements and improvements within the town house development until such common areas, easements and improvements are taken over by the property owners association, and all such lands, easements and improvements shall be in good operation order and condition and in compliance with all applicable laws, codes and regulations at the time of transfer to the property owners association. The developer shall notify the zoning administrator when the transfer of control to the property owner association occurs.
6. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process and as required by the Subdivision Ordinance of the Town of New Market. A maintenance plan for such structures shall be submitted by the developer for review at the time of erosion and sedimentation plan review. A formal agreement for the maintenance of such structures shall be made with the town prior to Final Plat or Final Site Plan approval, whichever is applicable, and subject to review after final site inspection, in accordance with current administrative guidelines.
7. The town shall have the right to inspect any common area, easement, detention pond or other erosion and sedimentation and/or stormwater management structure or dedicated facility to ensure that the requirements of the Code of the Town of New Market are complied with. If the maintenance of such areas, easements, structures or facilities is neglected or becomes a danger to public health or safety, the zoning administrator shall give ten (10) days written notice to the responsible party to correct the violation. Upon failure to comply with this notice, the town shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owner(s).
8. All maintenance within the town house development shall be provided for in such a manner so as to discharge any responsibility from the town.

(n.) Site Plans

A detailed site plan shall be submitted, in accordance with the provisions of Article XVII of this chapter. Upon approval by the zoning administrator, a properly prepared subdivision plat, showing all of the information required by the Subdivision Ordinance and by this chapter, may be submitted as the site plan.

Sec. 70- 146 Multi-Family Regulations

Multi-family dwellings, including apartment houses, garden apartments and condominiums, as defined and where permitted by this chapter, shall comply with the following provisions:

(a.) Dimensional and Density Requirements

1. Lot area, setback, yard, frontage and height regulations for multi-family dwellings shall be as established in the various districts where multi-family dwellings are permitted.
2. More than one main building per lot is allowed; provided that, in addition to all other yard regulations, no main building shall be closer than thirty (30) feet to another building.
3. There shall be no more than twenty (20) units contained in any one building.

(b.) Open Space

1. Open space requirements for multi-family dwelling developments in excess of twenty (20) units shall be as established in the various districts where multi-family dwellings are permitted.
2. Such green space shall be established for the common use and enjoyment of the residents, and shall not be improved with a street, road, parking area, or buildings or structures (other than buildings or structures established for recreational use, which comprise up to twenty-five (25) percent of the required open space). Common open space includes developed recreational space, such as playgrounds, pedestrian ways, and bicycle paths.
3. All open space shall be preserved for its intended purpose, as expressed in the approved site plan.
4. Management of open space shall be in accordance with the provisions of this Section.

(c.) Access and Circulation

1. The multi-family dwelling development's vehicular and pedestrian systems shall be designed to provide safe and convenient access to individual multi-family dwelling buildings, parking areas, and common open space.
2. Each multi-family dwelling building and/or parking area shall front on a dedicated public street or on an access easement, when approved by the planning commission. Such access easement shall meet state standards for a secondary road, and shall also meet the following minimum standards of development:
 - a. All access easements shall be at least fifteen (15) feet from any building on the lot and from exterior lot lines.
 - b. Concrete curb and guttering shall be required on both sides of the easement.
 - c. Such easement shall have unobstructed access to a public street.
 - d. Sidewalks, four (4) feet in width, constructed of concrete or brick shall be required on the side of the easement that abuts the multi-family dwelling(s).

- e. All access easements must be paved with a permanent, hard surface material.
3. Individual walks, of a minimum of four (4) feet in width, constructed of concrete or brick, shall be installed to each multi-family dwelling building from a street or access easement, or from a parking area connected to a street or access easement.
4. Paved walks shall also be provided in interior areas where pedestrian traffic is anticipated to be congested.
5. The minimum radius for cul-de-sacs shall be fifty (50) feet. Not more than twenty-five (25) dwelling units shall have principal access to any cul-de-sac.
6. Other requirements may be imposed by the zoning administrator and/or planning commission when deemed necessary for the public safety.

(d.) Off-Street Parking

In addition to applicable of Sec. 70-150 of this Article, off-street parking shall be provided as follows:

1. A minimum of two and one-half (2 ½) parking spaces per unit, each space containing a minimum of two hundred square feet, shall be provided for apartment houses, garden apartments and condominiums. A minimum of one and one-half (1 ½) parking spaces per unit containing not more than one bedroom, a minimum of two (2) parking spaces per unit containing not more than two bedrooms, and a minimum of two and one-half (2 ½) spaces for each dwelling unit containing three or more bedrooms shall be provided for elderly housing, as defined in Sec. 70-10 of this chapter, each space containing a minimum of two hundred square feet.
2. Such spaces shall be provided on the same lot as the building served.
3. Each off-street parking area shall be paved with a permanent hard surface material.
4. Each off-street parking area shall have an unobstructed access to a public street or to an access easement.
5. Parking areas shall not be located or designed so as to require vehicles entering or exiting the site to make unlawful maneuvers within the public right-of-way.
6. Entrances and exits to and from access drives and parking areas shall have minimum width of at least twelve (12) feet for each lane of traffic entering or leaving the site, but at no time shall exceed thirty (30) feet in width at the street line.
7. Entrances, exits and access easements shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
8. All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking areas.
9. Concrete curb and gutter shall be required within parking areas that are separate from an access drive or public street when it is deemed necessary by

the zoning administrator and/or planning commission for the management of storm drainage, the channelization of traffic, the protection of buildings and landscape areas, or for the separation of pedestrian and vehicular circulation areas.

(e.) Utilities, Services and Easements

1. Within the multi-family dwelling development, all utilities, including telephone, television cable, and electrical systems, shall be installed underground. Appurtenances to these systems which require above ground installations must be effectively screened, which will thereby exempt them from this provision.
2. Multi-family dwelling developments must provide adequate drainage and easements for the maintenance of utilities.
3. Any proposed multi-family dwellings must be connected to the town's public water and sewer systems.

(f.) Design Standards and Improvements

All applicable design standards and improvements as required and as set forth in this chapter and in the town's Subdivision Ordinance shall be followed, and all improvements shall be constructed in accordance with town standards in effect at the time of site plan review.

(g.) Accessory Buildings

Accessory buildings shall be in accordance with the district regulations and with Sec. 70-128 of this Article.

(h.) Lighting

Lighting for buildings, interior walkways and parking areas shall be provided for the safety and convenience of residents, but it shall be so arranged as not to reflect toward public streets or cause any annoyance to building occupants or surrounding property owners or residents.

(i.) Storage of Trash and Rubbish

Exterior storage areas for trash and rubbish shall be well screened on three (3) sides and contain vermin-proofs containers. Interior storage areas for trash and rubbish shall at all times be kept in an orderly and sanitary fashion.

(j.) Screening, Buffering and Landscaping

1. Upon recommendation of the zoning administrator and/or planning commission, sufficient area may be required to adequately screen and/or

buffer the multi-family dwelling(s) from adjacent residential uses, in accordance with the provisions of Sec. 70-135 of this Article.

2. Upon recommendation of the zoning administrator and/or planning commission, a planting plan specifying the type, size and location of existing and proposed planting material may be required. Such plan shall be submitted with the site plan.

(k.) Management of Open Space and Improvements

1. Should the units be for rental purposes, the developer or rental agent shall be responsible for all maintenance and management of open space, recreational areas, walks, buildings, parking areas, access easements, landscaping and screening, and all other lands, facilities and improvements, including but not limited to detention ponds and other erosion and sedimentation and/or stormwater management structures, within the multi-family development. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process, and a maintenance plan for such structures shall be submitted by the developer for review at the time of erosion and sedimentation plan review. A formal agreement for the maintenance of such structures shall be made with the town prior to final Site Plan approval and subject to review after final site inspection, in accordance with the current administrative guidelines.
2. If the units are to be sold separately, the following provisions shall apply:
 - a. The developer shall provide for the establishment of an incorporated owners association of all individuals or corporations owning dwelling units in the building and/or development, to insure the maintenance of all buildings, land, facilities, utilities and improvements, including but not limited to detention ponds and other erosion and sedimentation and/or stormwater management structures.
 - b. An organization established for this purpose shall meet the following requirements:
 1. The organization shall be established prior to the sale of any units.
 2. Membership in the organization shall be mandatory for all property owners, present or future, within the multi-family dwelling and/or development, and said organization shall not discriminate in its membership or shareholders.
 3. The organization shall conform to the Condominium Act, Code of Virginia, as amended.
 4. The organization shall manage all open space and recreational facilities; it shall provide for the administration and operation of said land, plus all walks, accessory buildings, parking areas, access easements, landscaping and screening, exterior building

maintenance, drainage, and all other facilities, utilities and improvements.

5. All such lands and improvements shall be described as to location, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the methods of assessment for maintenance of such lands and improvements, and such assessments shall constitute a pro-rata lien upon the individual units. Covenants, conditions and restrictions shall run with the property and be for the benefit of present as well as future property owners.
 6. The organization shall not be dissolved, nor shall it dispose of any common open space.
- c. All property deeds shall include the above restrictions, conditions and covenants, and shall contain a prohibition against partition.
 - d. The responsibility for services such as snow removal from other than public streets, refuse storage, lawn care and other similar services shall also be addressed by the above restrictions, conditions and covenants.
 - e. The developer shall be responsible for the management and maintenance of all common areas, easements and improvements within the multi-family dwelling and/or development until such common areas, easements and improvements are taken over by the property owner association, and all such lands, easements and improvements shall be in good operation order and condition and in compliance with all applicable laws, codes and regulations at the time of transfer to the property owner association. The developer shall notify the zoning administrator when the transfer of control to the property owner association occurs.
 - f. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process, and a maintenance plan for such structures shall be submitted by the developer for review at the time of erosion and sedimentation plan review. A formal agreement for the maintenance of such structures shall be made with the town prior to final Site Plan approval and subject to review after final site inspection, in accordance with current administrative guidelines.
 - g. The town shall have the right to inspect any common area, easement, detention pond or other erosion and sedimentation and/or stormwater management structure or dedicated facility to ensure that the requirements of the Code of the Town of New Market are complied with. If the maintenance of such areas, easements, structures or facilities is neglected or becomes a danger to public health or safety, the zoning administrator shall give ten (10) days written notice to the responsible party to correct the violation. Upon failure to comply with this notice, the town shall have the authority to

perform the work necessary to bring the area into compliance with all applicable codes and recover all costs from the owner(s).

- h. All maintenance shall be provided for in such a manner so as to discharge any responsibility from the town.

(l.) Site Plans.

A detailed site plan must be submitted for review, in accordance with the provisions of Article XVII of this chapter.

(m.) Additional Requirements.

1. Multi-family dwelling units may be subject to such additional requirements as may be deemed necessary by the zoning administrator and/or planning commission for the public safety, health and general welfare.
2. Conversion of existing buildings into two-family dwellings, apartments or condominiums and the use thereof which does not conform to the requirements of this chapter must secure a conditional use permit, pursuant to the provisions of Article XV of this chapter.
3. Condominiums shall be governed by the Condominium Act, Code of Virginia, as amended.

Sec. 70-146A Courtyard Home Regulations.

Courtyard home developments, as defined and where permitted by this chapter, shall comply with all requirements set forth in the district regulations, and shall also comply with the following provisions:

(a.) Dimensional and Density Requirements.

1. The minimum lot size for any courtyard home development shall be one (1) acre.
2. The minimum lot width for a courtyard home development shall be two-hundred-fifty (250) feet at the setback line.
3. Lot area, setback, yard, frontage and height regulations for individual courtyard home lots and units shall be as established in the various districts where courtyard home development is permitted.
4. Density of development shall not exceed eight (8) dwelling units per gross acre.

(b.) Open Space.

1. Open space requirements for courtyard home developments shall be established in the various district regulations where courtyard homes are permitted, but shall be not less than twenty-five (25) percent of the gross area of the courtyard home development.
2. Open space for the courtyard home developments shall be green space established for the common use and enjoyment of the residents of the courtyard home development,

and shall not include public streets or roads, parking areas (other than parking provided solely for recreational facilities, which may comprise up to ten (10) percent of the required open space), or for building or structures (other than buildings or structures established for recreational uses, which may comprise up to twenty-five (25) percent of the required open space). Open space may include natural green space or developed recreational space, such as parks, pedestrian ways, bicycle paths and other similar uses.

3. Open space shall not include yard areas of individual courtyard home lots for calculating the required minimum open space area, however common easements, such as for pedestrian walkways, may be established on the individual lots, in accordance with the provisions of this Section.
4. All open space shall be preserved for its intended purpose, as expressed in the approved site plan.
5. Management of open space shall be in accordance with the provisions of this Section.

(c.) Access and Circulation.

1. The courtyard home development's vehicular and pedestrian circulation systems shall be designed to provide safe and convenient access to individual courtyard home lots and common open space.
2. All courtyard home lots shall front on a dedicated public street.
3. Individual walkways, a minimum of four (4) feet in width and constructed of concrete, brick or other suitable material, shall be installed in accordance with the Town's Subdivision Ordinance.
4. The minimum radius for cul-de-sacs shall be fifty (50) feet.
5. Other requirements may be imposed by the zoning administrator and/or the planning commission when deemed necessary for the public safety.

(d.) Off-Street Parking.

In addition to the applicable provisions in Sec. 70-150 of this Article, off-street parking shall be provided as follows:

1. A minimum of two (2) parking spaces shall be provided for each courtyard home dwelling. Such parking spaces shall contain a minimum of two-hundred (200) square feet each and shall be located on the same lot as the dwelling they serve. An attached garage may serve as one of the required parking spaces, provided that adequate space for vehicle maneuvering is provided on the lot.
2. Each individual lot parking area, including driveways, shall be paved with a permanent hard surface material.
3. Each off-street parking area, including driveways, shall have unobstructed access to a public street or to an access easement. Driveways shall have a minimum width of twelve (12) feet at the street curb line and at the right-of-way line.

4. Common parking areas, such as overflow parking or parking for recreational open space, shall be expressed on the approved site plan.
5. Common parking areas shall not be located or designed so as to require vehicles entering or exiting the site to make an unlawful maneuver within the public right-of-way.
6. Entrances and exits to access drives or common parking areas shall have a minimum width of twelve (12) feet, at the street line, for each lane of traffic entering or leaving the site.
7. Entrances, exits and access easements to common parking areas shall be designed so as to prevent the blocking of vehicles entering or leaving the site.
8. All dead end common parking areas shall be designed to provide sufficient backing-out area for end parking spaces.
9. Concrete curb and gutter and permanent hard surface material paving shall be required for common parking areas only if it is deemed necessary by the zoning administrator and/or the planning commission for the management of storm drainage, channeling of traffic, protection of buildings or landscaping, and the separation of pedestrian and vehicular traffic. For infrequent used or low traffic volume common parking areas, such as overflow parking or recreational use parking, the use of environmental friendly methods and practices, such as grass pavers, is encouraged in place of impervious pavement and concrete.

(e.) Utilities, Services and Easements.

1. Within the courtyard home development, all utilities, including telephone, television cable and electric systems, shall be installed underground. Appurtenances to these systems which require above ground installation must be effectively screened, thereby exempting them from this requirement.
2. Courtyard home developments must provide adequate drainage and easements for the installation and maintenance of utilities.
3. All courtyard home dwellings must be individually connected to the Town's public water and sewer systems.
4. An easement of access must be provided for all common maintenance areas, including the courtyards of the residential dwellings. This easement, in addition for the purpose of access, shall also be for ingress and egress and for performing any and all tasks, obligations, and duties of the Developer, Association, and managing agent, including, but not limited to, maintenance, repairs, rebuilding, relocation of utility lines, grounds care, and replacement of components.

(f.) Design Standards and Improvements.

All applicable design standards and improvements as required and set forth in this chapter and the Town's Subdivision Ordinance shall be followed, unless exempted, and

subject to approval of the zoning administrator and/or the planning commission, as provided herein.

(g.) Accessory Buildings.

Accessory buildings are not permitted, except that an enclosed storage structure, not exceeding seven (7) feet in height and ten (10) feet by ten (10) feet in area, may be located in the rear yard of the courtyard home lot adjoining the main dwelling.

(h.) Lighting.

Lighting for a courtyard home development shall be provided for the safety and convenience of residents, but shall be arranged so as not to reflect toward any public streets or cause annoyance to surrounding property owners or residents.

(i.) Storage of Trash and Rubbish.

Collection of trash and rubbish shall be provided for courtyard home lots through the Town of New Market's refuse collection system.

(j.) Screening, Buffering and Landscaping.

Screening, buffering and landscaping areas shall be expressed on the approved site plan. Such screening and/or buffering shall be provided in accordance with Sec. 70-135 of this Article.

(k.) Management of Open Space and Improvements.

Management of all common open space and improvements shall be as follows:

1. The developer shall provide for the establishment of an incorporated property owner association of all individuals or corporations owning property within the courtyard home development to insure the maintenance of all common open space, land, facilities, utilities and improvements, including, but not limited to, pedestrian walkways, recreational open space and facilities, common green space and detention ponds and/or other erosion and sedimentation facilities and/or stormwater management structures.
2. An organization established for this purpose shall meet the following requirements:
 - a. The organization shall be established prior to the sale of any lots.
 - b. Membership in the organization shall be mandatory for all property owners, present and future, within the courtyard home development, and the said organization shall not discriminate in its membership or stockholders.
 - c. The organization shall manage all open space and recreational facilities, and shall provide for the maintenance, administration and operation of said land and improvements and any other common land within the development. It shall also secure adequate liability on such land.

- d. All such lands and improvements shall be described as to location, size, use and control in the declaration of covenants, conditions and restrictions. This declaration shall set forth the method of assessment for maintenance of such lands and improvements. Such assessments shall constitute a pro-rata lien upon the individual courtyard home lots. Covenants, conditions and restrictions shall run with the land and be for the benefit of present, as well as future, property owners.
 3. All property deeds shall be subject to the above covenants, conditions and restrictions, and shall contain a prohibition against partition.
 4. The responsibility for the maintenance of courtyard home exteriors, individual lawns, snow removal from other than public streets and other similar services, shall also be addressed by the covenants, conditions and restrictions.
 5. The developer shall be responsible for the management and maintenance of all common areas, open space, easements and improvements within the courtyard home development until such common areas, open space, easements and improvements are taken over by the property owners association. All said lands, easements and improvements shall be in good operating order and condition and in compliance with all applicable laws, codes and regulations at the time of transfer to the property owners association. The developer shall notify the zoning administrator when the transfer occurs.
 6. Maintenance of detention ponds and other erosion and sedimentation and/or stormwater management structures shall be in accordance with current town standards, as determined during the erosion and sedimentation plan approval process and as required by the Subdivision Ordinance of the Town of New Market. A maintenance plan for such structures shall be submitted by the developer for review at the time of the erosion and sedimentation plan review. A formal agreement for the maintenance of such structures shall be made with the Town prior to Final Plat or Final Site Plan approval, whichever is applicable, and subject to review after final site inspection, in accordance with current administrative guidelines.
 7. The Town shall have the right to inspect any common area, easement, detention pond or other erosion and sedimentation and/or stormwater management structure of dedicated facility to insure compliance with the Code of the Town of New Market. If the maintenance of such areas, easements, structures or facilities is neglected or becomes a danger to public health and safety, the zoning administrator shall give ten (10) days written notice to the responsible party to correct the violation. Upon failure to comply with this notice, the Town shall have the authority to perform the work necessary to bring the area into compliance with all applicable codes, and to recover all costs from the owner(s).
 8. All maintenance within the courtyard home development shall be provided for in such a manner so as to discharge any responsibility from the Town.
- (1.) Site Plans.

A detailed site plan shall be submitted, in accordance with the provisions of Article XVII of this chapter. Upon approval by the zoning administrator, a properly prepared

subdivision plat, showing all the information required by the Subdivision Ordinance and by this chapter, may be submitted as a site plan.

Sec. 70-147 Automobile Service Station Regulations.

- (a.) For canopies covering pumps or dispensers for gas products, gasoline or petroleum in the B-1 and B-2 Business Districts, there shall be a ten (10) foot setback required from any street highway, or from any street or highway right-of-way. No setback shall be required for canopies to be installed above existing islands or replacement islands, provided that the replacement islands come no closer to the street right-of-way, and provided that the dispensing of gas products, gasoline or petroleum does not cease for more than six (6) consecutive months any time subsequent to the adoption of this chapter.
- (b.) In all districts where automobile service stations or pumps or dispensers for gas products, gasoline or petroleum are permitted, no pump or dispenser for gas products, gasoline or petroleum installed outside of an enclosed building shall be closer than fourteen (14) feet from the street line, and all such appliances shall be installed and maintained in such a location as to prevent any part of vehicles being serviced from standing on the street, alley or sidewalk area. Pumps and dispensers existing at the time of adoption of this chapter that are located closer than fourteen (14) feet to the street line may be replaced, provided that they are in no case moved any closer to the street line than their existing location, and provided that the dispensing of gas products, gasoline or petroleum does not cease for more than six (6) consecutive months at any time subsequent to the adoption of this chapter.
- (c.) No permit shall be issued hereafter for any automobile service station or other gas product, gasoline or petroleum dispensing facilities if any part of the structure, including service aisles and underground gasoline tanks, is located within one-hundred (100) feet from any residential district.
- (d.) All activities, except those required to be performed at the fuel or air pumps or very minor repairs, such as the changing of a tire or headlight lamp or minor engine adjustments, shall be performed within a completely enclosed building, and all auto parts, dismantled vehicles and similar articles shall be stored within a building.
- (e.) The town council, upon recommendation from the planning commission, reserves the right to place certain additional restrictions on automobile service stations and other gas product, gasoline or petroleum pumping and dispensing facilities, based upon the effect of such proposed buildings and uses upon the character of the neighborhood, traffic conditions, public facilities, and other matters pertaining to the public health, safety and general welfare.

Sec. 70- 148 Obstruction of Public Right-of-Way

No building, structure or sign shall be located on any public right-of-way.

Sec. 70- 149 Nuisances

Nothing shall be allowable on the premises in any district provided for in this chapter that shall be in any way offensive or noxious by reason of emission of odors, fumes, dust, smoke, light, vibration or

noise, nor shall anything be constructed or maintained that would in any way constitute an eyesore or nuisance to adjacent property owners or to the community.

Sec. 70- 150 Off-Street Parking Requirements

The purpose of these regulations is to ensure the appropriate provision of off-street parking areas; to avoid undue congestion on public streets; to protect the level of service and capacity of existing streets; to avoid unnecessary conflicts between pedestrians and vehicles; and to promote the general health, safety, and public welfare. Every use or structure instituted, constructed, erected, enlarged or structurally altered after the effective date of this chapter shall provide off-street parking in accordance with the provisions of this Section, unless otherwise provided for in this chapter.

(a.) General Provisions

1. Off-street parking shall be maintained and continued as long as the main use is continued. No owner or operator of any structure or use affected by this Section shall discontinue, other than for temporary maintenance purposes, change or dispense with the required parking facilities without first establishing alternative parking facilities which meet the requirements of this Section.
2. No person, firm or corporation shall utilize such structure or use without providing the off-street parking facilities to meet the requirements of and be in compliance with this Section.
3. Should a nonconforming structure or use be enlarged or expanded, or should a use or structure be nonconforming because of parking requirements, additional parking requirements need only be based on the requirements for the enlargement or expanded portion.
4. Off-street parking spaces required under this Section may be reduced at a time when the capacity or use of a building is changed in such a manner that the new use or capacity would require less space than before the change. Such reduction may not be to a level below the standards set forth in this Section.
5. Collective provision for off-street parking facilities for two (2) or more structures or uses is permissible; provided that the total number of parking spaces is at least equal to the sum of the minimum number of required spaces computed separately for each use. However, the planning commission may authorize a reduction in the total number of the required spaces when the commission makes a determination that two or more uses can be adequately served by the same parking spaces by reason of the characteristics of the use and the hours of operation. The zoning administrator shall make a recommendation to the planning commission regarding any such reduction in the number of required spaces. The planning commission is also authorized to require restrictions on the uses and hours of operation of any uses which share parking facilities. Collective parking is subject to all other parking requirements set forth in this Section and in this chapter. Before such spaces are collectively provided or used a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed, approved as to form by the town attorney, and shall be filed with the zoning administrator.
6. Parking spaces for single-family, two-family, two-family attached (duplex), and multi-family dwellings shall be located on the same lot as the dwelling; and, unless otherwise provided in this chapter, spaces required for other land uses shall be located on the same lot or on a lot which is within three-hundred (300) feet of the principal use, such distance to be measured along lines of public

access to the property. However, before such off-site parking facilities are approved, a written agreement thereto assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the town attorney, and filed with the zoning administrator.

7. Off-street parking facilities shall be used solely for the parking of vehicles in operating condition by the patrons, occupants or employees of the use to which such facilities are accessory. No motor vehicle repair work, except emergency service, shall be permitted in association with any public off-street parking facilities. The storage of merchandise or the sale of vehicles is prohibited in a required off-street parking area, except as specifically authorized in this chapter.
8. Parking facilities shall be maintained in a clean and orderly condition at the expense of the owner or lessee.
9. A driveway or parking space shall be at least five (5) feet from a property line in the R-1 District, and three (3) feet from a property line in all other districts, unless otherwise provided for in this chapter; however, the planning commission, upon recommendation from the zoning administrator, may waive this requirement for uses in any district other than the R-1 district when, due to physical limitations of the site, this requirement cannot be met, and no other option for compliance exists. No parking space for a multi-family dwelling shall be less than fifteen (15) feet from a residential structure.
10. In addition to the number of parking spaces required for new uses, and any other applicable provisions of this Section, a change in use from existing single-family dwellings to permitted multi-family dwellings shall meet the following requirements:
 - a. On-site parking shall not depend on the public right-of-way, other than alleys or transient easements, in order to maneuver into or out of parking spaces, and the moving of any vehicle on-site in order to maneuver another vehicle on-site shall not meet the intent of this Section.
 - b. Location of off-street parking shall comply with paragraph 9 of this subsection.
 - c. All areas on-site which comprise the off-street parking plan shall be visually defined and duly maintained, in accordance with the provisions of this Section.
11. In addition to the number of parking spaces required by use, and other applicable provisions of this Section, non-residential uses permitted in residential districts shall meet the following requirements:
 - a. On-site parking shall not depend on the public right-of-way, other than alleys or transient easements, in order to maneuver into or out of parking spaces, and the moving of any vehicle on-site in order to maneuver another vehicle on-site shall not meet the intent of this Section.
 - b. Adequate area shall be provided for screening, buffering and/or landscaping when it is deemed necessary by the zoning administrator and/or planning commission to protect adjacent residential uses from adverse visual effects and noise.
 - c. All areas on-site which comprise the off-street parking plan shall be visually defined and duly maintained, in accordance with the provisions of this Section.
12. Trucks or buses over five thousand (5,000) pounds shall not be parked in that portion of a lot lying between the centerline of the street and the front of the main building in a residential district, except for the purpose of making pick-ups or deliveries.

13. The enforcement of the provisions of this Section shall be the responsibility of the zoning administrator or his designee, and no zoning certificate shall be issued unless the requirements of this Section have been met to his satisfaction.

(b.) Design Standards

1. 162 square feet (9'x18') of lot or floor area, not including passageways, shall be deemed parking space for one (1) vehicle. Parking space dimensions may be modified upon site plan review to allow for designated compact automobile and motorcycle parking areas. Dimensions for handicapped parking spaces shall be as required by state and/or federal law.
2. All off-street parking facilities shall be designed and constructed in a manner so as to provide for adequate circulation within the site and convenient access to adjoining streets. The minimum width for passage aisles within an off-street parking facility for parking spaces established on a 90° angle shall be 23 feet. The minimum width for passage aisles within an off-street parking facility for parking spaces on a 45° angle with one-way traffic shall be 12 ½ feet. Other proposed parking facility designs may be approved by the planning commission, upon recommendation by the zoning administrator, when they are deemed to be of good design and functionality.
3. The location and design of entrances and exits shall meet regular traffic safety and design standards. Such entrances and exits shall be designed to accommodate all vehicle types having occasion to enter the site, including delivery trucks and emergency vehicles. In general, there shall not be more than one entrance and one exit on any one street unless deemed necessary by the zoning administrator and/or planning commission in order to alleviate traffic congestion and interference along such street.
4. Parking areas shall be designed so as to prevent parked vehicles from extending beyond the limits of the parking area.
5. Interior drives shall be of adequate width to serve a particular design arrangement of parking spaces.
6. Parking areas shall not be designed or located in a manner so as to require vehicles entering or exiting the site to make an unlawful maneuver within the public right-of-way.
7. Unless otherwise provided by this chapter, all parking spaces and access driveways shall be covered with an all-weather surface, and every parcel of land which is hereafter used as a public parking area which has more than twelve (12) spaces shall be paved with a permanent, hard surface material. The town council, upon recommendation by the planning commission, may waive the requirement for paving with a permanent, hard surface upon a determination that the topographic configuration of the property would result in unreasonable and excessive costs for the management of surface water in the event that such permanent, hard surface is installed. A waiver of this requirement must be based upon clearly demonstrable calculations that are capable of being supported by representative from the Virginia Department of Transportation and a licensed engineer, and the town council may, if deemed necessary for the proper consideration of the request, require the submission of an engineer's statement by the applicant. Such a waiver may not be granted a special convenience or utilized as a means to circumvent the intent of this ordinance.
8. Concrete curb and gutter shall be installed within off-street parking areas when deemed necessary by the zoning administrator and/or planning commission for

the management of storm drainage, the channelization of traffic, the protection of buildings and landscape areas, and the separation of pedestrian and vehicular circulation areas.

9. Concrete sidewalks, a minimum of four (4) feet in width, shall be provided on-site when deemed necessary by the zoning administrator and/or planning commission to protect pedestrians and promote the safe and efficient movement of pedestrian and vehicular traffic.
10. All off-street parking facilities shall be graded and drained to dispose of surface water. However, no surface water from any parking area shall be permitted to drain onto adjacent property.
11. Access to required parking spaces for single-family detached and two-family (duplex) residences may be provided by a shared driveway, when each abutting side yard has a minimum width of ten (10) feet.
12. Parking spaces in lots of more than twelve (12) spaces shall be delineated by painted lines, curb stops or other means to indicate individual spaces. Signs or markers shall be used when necessary to ensure efficient traffic operation on the lot.
13. Driveways and parking areas shall be located, designed, constructed and maintained so as to minimize the impact or adverse visual effects on other portions of the property and on surrounding property, especially residential uses. When deemed necessary by the zoning administrator and/or planning commission, sufficient area shall be provided to screen such parking areas from adjacent uses, and fences, walls and/or vegetative landscaping, in accordance with the provisions of Sec. 70-135 of this Article, shall be provided and maintained to further these purposes.
14. Any lighting used to illuminate off-street parking areas shall be arranged, installed and maintained in order to deflect shade and focus lights away from adjacent public or private property.
15. Landscaping of parking areas shall be provided in accordance with Sec. 70-135 of this Article.

(c.) Calculating Required Off-Street Parking

In calculating the number of such parking spaces, the following rules shall govern:

1. Floor area shall mean the gross floor area of the specified use, unless otherwise provided in this chapter. For the purposes of this Section, gross floor area shall also include gross outdoor storage area, whether covered or uncovered.
2. When the units of measurement determining the number of required parking spaces creates a fractional number of spaces, any fraction up to and including one-half (1/2) space shall be disregarded, and fractions over one-half (1/2) shall require one (1) additional parking space.
3. The parking space required for any commercial use not specifically mentioned herein and subsequently erected, converted, structurally altered or established shall be one (1) parking space for each one-hundred (100) square feet of commercial floor space in the building. For non-commercial uses that are not specifically mentioned herein, the parking space shall be the same as required for a use of a similar nature.
4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

5. Unless otherwise provided in this Section, off-street parking facilities supplied to meet the needs of one use shall not be considered as meeting the off-street parking needs of any other use.
6. The provision of parking spaces designed to accommodate the needs of the handicapped shall be in accordance with applicable state and/or federal laws.

(d.) Schedule of Required Off-Street Parking

The off-street parking required by this Section shall be provided and maintained according to the following schedule, except as otherwise provided in this chapter:

<u>USE TYPE</u>	<u>REQUIRED OFF-STREET PARKING</u>
<u>1. Residential Uses</u>	
Single-family detached dwellings	Two (2) for each dwelling unit
Two-family dwellings	Two (2) for each dwelling unit
Two-family attached (duplex) dwellings	Two (2) for each dwelling unit
Town houses	Two and one-half (2 ½) for each dwelling unit
Multi-family dwellings, including apartment Houses, condominiums and garden apartments	Two and one-half (2 ½) for each dwelling unit
Elderly housing, as defined in Section 70-10 of this chapter	One and one-half (1 ½) spaces for each dwelling unit containing not more than one bedroom Two (2) spaces for each dwelling unit containing not more than two bedrooms Two and one-half (2 ½) spaces for each dwelling unit containing three or more bedrooms
<u>2. Group Quarters</u>	
Boarding, lodging or rooming houses	Two (2) for the dwelling, plus one (1) for each residential unit
Convalescent, nursing or rest homes	One (1) for each six beds, plus one (1) space for Each employee on maximum shift
Retirement homes	One (1) for each dwelling unit, plus one (1) for each employee
<u>3. Transient Lodgings</u>	
Hotel and Motel	One (1) for each guest room, plus one (1) employee space for each ten guest rooms, plus required parking spaces for any restaurant or assembly space

Bed and Breakfast Establishment

Two (2) for the dwelling, plus one (1) for each guest room

4. Institutional and Community Services Uses

Churches or places of worship; school and General auditoriums; stadiums; assembly halls; Community centers; and other similar places Of public assembly*

Fixed Seats:

One (1) for every four fixed seats, based on the maximum seating capacity in the main place of assembly

Without Fixed Seats:

One (1) for each one hundred square feet of usable floor area

*Parking spaces already provided to meet off-street parking requirements for stores, office buildings, and industrial establishments lying within three-hundred (300) feet of the public assembly as measured along lines of public access, and which are not normally in use on Sundays or between the hours of 6 P.M. and midnight on other days, may be used to meet not more than seventy-five (75) percent of the off-street parking requirements of a church or similar place of public assembly when it is determined that there is no overlap or conflict between the hours of use of the shared parking facilities.

Kindergartens and day care facilities; nursery, Elementary, intermediate, or junior high schools (public or private)

One (1) for each teacher, employee or administrator, plus additional space as required by this Section for auditoriums, etc.

High school, public or private

One (1) for each teacher, employee or administrator, plus one (1) space for every ten students based on the maximum capacity of the school, plus additional space as required by this Section for auditoriums, stadiums, etc.

University, college or similar educational institution

One (1) for each teacher, employee or administrator, plus one (1) space for every ten students based on the maximum capacity of the school, plus additional space as required by this chapter for auditoriums, stadiums, etc.

Public libraries, museums and art galleries

One (1) for each four-hundred square feet of floor area, plus one (1) for each employee, based on maximum shift

Hospitals

One (1) for each two beds, based on the maximum capacity in terms of beds, including those of infants and children, plus one (1) space for each employee or staff member, based on maximum shift

Civic, fraternal, political, private, religious and social non-profit clubs and organizations

One (1) for every four members, based on maximum anticipated membership

Governmental offices

One (1) for each three-hundred square feet of ground floor area, plus one (1) for each five-

Bowling alleys	Four (4) per alley, plus additional spaces as required by this Section for bar, restaurant, assembly space, etc.
Private medical transport service	One (1) for each 200 square feet of office area plus one (1) for each transport vehicle and one (1) for each employee on maximum shift
Dance halls, pool rooms and other similar places of recreation	One (1) for every one-hundred square feet of floor area, plus additional space as required in this Section for bar, restaurant or other auxiliary uses
Shopping centers	One (1) for every one-hundred square feet of retail floor space, plus additional spaces as required in this Section for theaters, restaurants, etc.
Animal hospital or kennel	One (1) for each employee, plus one (1) for every three-hundred square feet of floor area
Personal service establishments	One (1) for every two-hundred square feet of floor area occupied by the personal service
Medical and dental clinics	One (1) for each two-hundred square feet of floor area
Office buildings; offices of professionals, including banking, and financial services, service businesses, administrative and commercial offices	One (1) for every two-hundred square feet of floor area
Funeral homes and mortuaries	One (1) for every four seats of maximum seating capacity in chapels or parlors with fixed seats, or one (1) for every one-hundred square feet of floor area for assembly rooms without fixed seats for services; plus one (1) space for every two employees, plus one (1) reserved space for each ambulance, hearse, or company vehicle
Warehouse and wholesale trade establishment	One (1) for every 1,000 square feet of gross floor area, or one (1) for every employee, whichever is greater; plus one (1) space for every company vehicle
Enclosed storage/mini-storage facilities	Two (2) for every 1,000 square feet, plus one (1) space for each employee

6. Industrial Uses

Industrial/manufacturing

One (1) for each two employees computed on the basis of the maximum number of employees employed within an eight hour shift, plus space to accommodate all trucks and other vehicles used in connection therewith

7. Recreational Uses

Country club

One (1) for every four members, based on maximum anticipated membership

Golf course

Three (3) for every hole, plus one (1) for every employee

Indoor (swimming pools, skating rinks, recreational centers and similar establishments)

One (1) for every 125 square feet of usable recreational or social floor area, plus one (1) for every employee

Outdoor (swimming pools, skating rinks, miniature golf and similar establishments)

One (1) for every two-hundred square feet of usable and improved recreational area

Outdoor court games (tennis, basketball and similar establishments)

One (1) for every two players, based on maximum capacity

(e.) Minimum Stacking Space Requirements

All uses which include a drive-up window or which are characterized by patrons remaining in their vehicles to receive services shall provide stacking spaces in order to alleviate traffic congestion. Stacking spaces shall be a minimum of ten (10) feet in width and eighteen (18) feet in length. All stacking areas must be separate from other circulation aisles and parking spaces.

1. Fast-food restaurant drive-up windows A minimum of ten (10) stacking spaces, with the distance measured from the drive-up window
2. Car washes A minimum of three (3) stacking spaces per car wash bay, unless parking spaces are provided on the lot in accordance with this Section
3. Financial institution drive-up windows A minimum of five (5) spaces for financial institutions having one drive-up window, plus three (3) stacking spaces for each additional window
4. Other uses with drive-up windows or similar characteristics For other uses not specifically provided herein, the zoning administrator and/or planning commission shall make a determination regarding the number of stacking spaces required

(f.) Special Provision For Parking in the "Downtown" Business Area

The following special provision shall apply only to that area located between the intersection of Fairway Drive and Congress Street, and the intersection of Seminary Lane and Congress Street, on the

East die of Congress Street; and between the intersection of Ashby Lane and Congress Street and the intersection of Seminary Lane and Congress Street on the West side of Congress Street:

When it has been demonstrated to the satisfaction of the planning commission that the off-street parking requirements contained in this Section cannot be met due to the practical limitations of the site, and , furthermore, that off-site and/or collective parking, as provided for elsewhere in this Section, cannot be arranged to satisfy said requirements, the planning commission may decrease or waive the number of required off-street parking spaces for non-residential uses that are established after the date of the adoption of this chapter; provided, however, that this provision shall apply only to structures existing at the time of adoption of this chapter. All new non-residential and residential construction on vacant land, and all new residential uses shall provide the number of spaces required by this Section.

Section 70- 151 Off-Street Loading Requirements

(a.) In any district, on the same premises with every building or structure or part thereof erected and occupied for manufacturing storage, warehousing, goods display, or as a retail store, wholesale store, market, hotel, hospital or other institutional community use, mortuary, restaurant, commercial recreational use, laundry, dry-cleaning establishment, or other use similarly involving the receipt and distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, turning, loading and unloading services in order to avoid interference with public use of streets and alleys.

(b.) Each off-street loading space shall have minimum dimensions of fifteen (15) feet in height, fifteen (15) feet in width, and fifty (50) feet in length.

(c.) Such loading and unloading spaces shall be provided according to the following schedule:

<u>1. Gross Floor Area in Square Feet:</u>	<u>Required Off-Street Loading Spaces</u>
Zero (0) to three thousand (3,000)	None, as long as the intent of this Section is met
3,001 to 25,000	One (1) space
25,001 to 60,000	Two (2) spaces
60,001 to 120,000	Three (3) spaces
120,001 to 200,000	Four (4) spaces
200,001 to 290,000	Five (5) spaces
290,000 +	One (1) additional space for each 90,000 square feet or major fraction thereof

2. For each multi-family dwelling development having over fifty (50) dwelling units, one (1) space shall be provided

3. For bus and trucking terminals, there shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

4. For the purposes of this Section, gross floor area shall also include gross outdoor storage, whether covered or uncovered.

(d.) Each required off-street loading space shall have direct access to a road, street or public alley, or have a driveway which offers satisfactory ingress and egress for trucks.

(e.) Such spaces shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk or road. In no event shall loading areas be located or designed so as to require vehicles entering or exiting the site to make an unlawful maneuver with the public right-of-way.

(f.) No off-street loading area shall be located within a required front yard; except that the planning commission may waive this restriction in a business or industrial district when the owner can show the necessity for such waiver.

(g.) Area reserved for off-street loading in accordance with the requirements of this chapter shall not be reduced in area or changed to any other use unless the use which is served is discontinued or modified, except where equivalent loading space is first provided that meets the requirements herein.

(h.) No area of a facility supplied to meet the off-street parking requirements for the use shall be utilized for or deemed to meet the requirements of this Section for off-street loading space.

(i.) Signs or pavement markings shall be utilized as necessary to identify designated off-street loading spaces.

(j.) Loading spaces may be provided cooperatively for two or more uses, subject to the approval by the zoning administrator of appropriate legal instruments to ensure the permanent availability of off-street loading for all such uses. The overall number of loading spaces provided for all such cooperative uses may be reduced by the planning commission in those instances where it is demonstrated that adjacent land uses can be adequately served by a shared loading facility. The zoning administrator shall make a recommendation to the planning commission regarding any such proposed reduction in the number of required loading spaces. The planning commission is also authorized to require restrictions on the use and hours of operation of any uses which share loading spaces.

(k.) All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot, as provided above.

(l.) Any lighting used to illuminate off-street loading areas shall be arranged, installed and maintained in order to deflect, shade and focus lights away from the adjacent public or private properties.

(m.) The enforcement of the provisions of this Section shall be the responsibility of the zoning administrator or his designee, and no zoning certificate shall be issued unless the requirements of this Section have been met to his satisfaction.

Sec. 70- 152 Sign Regulations

The purpose of the following sign requirements is to promote and protect the public health, safety, convenience, and general welfare by regulating the size, location, height and construction of all signs placed for public observance. It is intended to protect property values, create an attractive business climate, and a harmonious community. It is further intended to reduce sign or advertising distractions or obstructions to motorists and to curb the deterioration of the natural environment and enhance community development. These regulations shall apply to all signs erected within the Town of New Market following the effective date of this chapter.

(a.) Definitions for the Purpose of this Section

For the purpose of these sign regulations, unless the context otherwise requires, the following terms shall have the meanings established below:

Animated sign A sign or part of a sign that moves or appears to move.

Awning sign A sign placed directly on the surface of an awning.

Billboard sign See “off-premises” sign.

Business sign A sign which directs attention to a business, commodity, service, activity or product sold, conducted or offered upon the premises where such sign is located.

Canopy sign A sign attached to a canopy.

Changeable copy sign A sign or part of a sign that is designed so that the characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

Construction sign A temporary sign identifying those engaged in construction of any building site.

Directional sign An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One Way”, or similar directional instruction, but not including any advertising message.

Flashing sign A sign used for identification, direction, advertising or promotion that includes lights which flash, blink or turn on and off intermittently.

Freestanding sign / ground-mounted sign A sign which is supported by structures or supports in or upon the ground and independent of any support from any building.

Identification sign A sign on the premises bearing the name of a subdivision, the name of a multi-family dwelling project, or of a school, college, park, church or other public or semi-public facility, or a professional or firm name plate, but bearing information pertaining only to the premises on which such sign is located.

Illuminated sign A sign illuminated in any manner by an artificial light source, whether internally or externally lit.

Institutional bulletin board sign A sign containing a surface upon which is displayed the name of a religious institution, school, library, community center or similar institutional or community service use, and the announcement of its services or activities.

Marquee A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building’s wall and generally designed and constructed to provide protection against the weather.

Marquee sign A sign affixed to a structure built on-grade in which the sign and the structure are an integral part of one another; not a pole sign.

Off-premises sign/general advertising sign A sign which directs attention to a business, commodity, service or establishment conducted, sold or offered at a location other than the premises on which the sign is erected. (The term “billboard” is covered by this definition.)

Outdoor advertising sign Any sign, including billboards, of any material and any character whatsoever, which is placed (including erection, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner) for outdoor advertising in any way whatsoever.

Home occupation sign A sign, where permitted by this chapter, for the identification of a home occupation, as defined.

Pole sign A sign that is mounted on one or more freestanding poles or similar supports.

Preview menu board An internal informational sign listing the products available for sale at a restaurant offering drive-through service. Such sign shall not include any device for the ordering of these products, and shall be in accordance with the provisions of Section 70-152 of this chapter.

Projecting sign A sign, other than a wall, awning or marquee sign, which is affixed to a building and is supported only by the wall on which it is mounted.

Roof sign A sign erected or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof. A roof sign, where permitted by this chapter, shall exclude signs that are painted directly on the surface of the roof.

Sign Any material, structure or device, or part thereof, employing letters, words, symbols, etc. used or intended to attract the attention of the public from the streets, sidewalks or other outside public rights-of-way. For the purpose of this Section, the term “sign” shall include all structural members.

Sign area See subsection “f” of this Section.

Temporary sign A sign or advertising display designed or intended to be displayed for a limited period of time, and not permanently attached to a building or the ground.

Wall sign A sign attached to a wall, or painted on or against a flat vertical surface of a structure, which displays only one (1) advertising face and which projects from the wall or surface less than twelve (12) inches at all points.

(b.) Sign Permits

A sign permit shall be required before a sign is erected, installed, used, altered or relocated, except as otherwise provided in this Section.

1. Application, Review and Enforcement

- a. Applications for sign permits shall be filed on a form provided by the zoning administrator and shall be accompanied by fees as established by the town council, in accordance with Sec. 70-189 of this chapter.
- b. All applications for signs shall contain, or have attached thereto, either in written or graphic form, the name, address and telephone number of the

sign owner and the sign erector; the position of the sign in relation to adjacent lot lines, buildings, sidewalks, streets, and intersections; specifications for the design, character, height, perimeter and area dimensions, means of support, method of illumination, and any other significant aspects of the proposed sign; and any other information requested by the zoning administrator in order to carry out the purpose and intent of these regulations.

- c. The zoning administrator shall maintain a permanent record of all sign permits issued.
- d. Any discrepancies between the approved sign and the sign as constructed may result in the halt of construction or sign removal, if so ordered by the zoning administrator.
- e. The zoning administrator may revoke a permit or approval if it is found that there has been concealment or misrepresentation of material facts in either the application or the plans.
- f. A sign permit shall expire and become null and void if the approved sign is not erected within a period of twelve (12) months from the date the permit was originally issued. The zoning administrator may grant one extension of the sign permit for six (6) months, but in no case shall a sign permit be valid for more than a total of eighteen (18) months. Extensions may be granted only when the proposed sign is in compliance with all current applicable regulations.

2. Permit Exemptions

A permit shall not be required for the following, but such signs shall be subject to any and all applicable provisions of this chapter:

- a. The changing of advertising copy or message on approved painted or printed signs, or on theater marquees or similarly approved signs which are specifically designed for the use of replaceable copy.
- b. Painting, repainting, cleaning and other normal maintenance and repair of signs or sign structures, unless a structural change is made.
- c. Any sign of four (4) square feet or less.
- d. The signs described in subsection “h” of this Section are also exempt from sign permit requirements, unless otherwise specified therein.

3. Signs for Temporary Uses

Signs for temporary uses, in accordance with the provisions of Sec. 70-136 of this Section, shall be approved at the time that a temporary use permit is granted. The approved temporary use permit shall include the expiration date for the temporary signs, and any such signs remaining after the expiration of the permit shall be considered to be an obsolete sign and may be removed in accordance with subsection “e” of this Section.

(c.) Maintenance and Repair

All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition. The zoning administrator may cause to be removed any sign which shows gross neglect or which becomes dilapidated.

(d.) Nonconforming Signs

1. Any sign which was lawfully in existence at the time of the effective date of this chapter which does not conform to the provisions herein, and any sign which is accessory to a nonconforming use, shall be deemed a nonconforming sign and may remain, except as qualified below, provided that they are kept in good repair. No nonconforming sign shall be enlarged, extended, or structurally reconstructed.
2. A nonconforming sign which is destroyed or damaged to the extent exceeding fifty (50) percent of its appraised value shall not be altered, replaced or reinstalled unless it is in conformance with these sign regulations. If the damage or destruction is fifty (50) percent or less of the appraised value, the sign may be restored within two (2) years of the destruction, but shall not be enlarged in any way.
3. A nonconforming sign shall be removed if the structure or use to which it is accessory is destroyed or demolished to the extent exceeding fifty (50) percent of this principal structure's appraised value, as provided in Article XVI of this chapter.
4. No nonconforming sign shall be moved on the same lot or to another lot unless the moving will relocate the sign into a zoning district or into an area in which it will conform.

(e.) Removal of Illegal, Abandoned/Obsolete, and Nuisance Signs

1. Any sign which is declared to be an immediate or imminent hazard to life or property may be caused to be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the premises.
2. Any temporary sign which is not removed within the time limits established in this Section or which is erected in violation of the regulations set forth herein may be caused to be removed by the zoning administrator without written notice, and the cost of such removal may be billed to the owner of the sign.
3. Any permanent sign shall be removed by the owner or the lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises or when, for any other reason, such sign has become obsolete. If the owner or lessee fails to remove such sign, the zoning administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the zoning administrator or his designee may remove the sign at cost to the owner.
4. The zoning administrator may order the removal of any permanent sign which is erected or maintained in violation of this Section. He shall give thirty (30) days written notice to the owner of such sign or of the building or premises on which the sign is located, to remove the sign or bring it into compliance with this Section. This provision shall not preclude the use of any other remedy prescribed by law with respect to violations of the provisions of this chapter.

(f.) General Standards and Requirements

1. All signs, whether permanent or temporary, shall be constructed in compliance with the Virginia Uniform Statewide Building Code.
2. The height of the sign shall be measured from the average grade of the lot.
3. No sign shall have more than three (3) faces.
4. The applicant may supply exact calculations for the actual square footage of a sign's area. Such calculations shall be prepared by a licensed engineer, and must be

presented in a readily verifiable form. In the absence of such calculations, the area of a sign shall be determined by measuring the surface area encompassing any regular geometric figure (square, circle, rectangle, triangle, etc.) enclosing all parts of the sign face. The supports or structure on which any sign is supported shall not be included in determining sign area unless the supports or structure are designed in such a manner as to form an integral background of the display; except, however, when a sign is placed on a fence, wall, planter or similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. On double-faced signs, only one display face shall be measured in computing total sign area where sign faces are parallel, are at no point more than two (2) feet from one another, and where the wording, color and design on each side are identical.

5. No sign or structure other than official road markers shall be placed upon any public right-of-way or upon any public sidewalk.
6. No sign or sign structure shall be located in such a manner as to materially impede the view of any road intersection.
7. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
8. No sign shall obscure a sign display by a public authority for the purpose of giving traffic instructions or directions or other public information.
9. The light from any illuminated sign shall be arranged in a manner which will protect public streets and neighboring properties from unreasonable direct glare or hazardous interference of any kind.
10. No colored lights, or words such as "Stop", "Danger", "Caution", etc. shall be used at any location or in any manner so as to be confused with or construed as traffic devices.
11. Neither direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public thoroughfares.

(g.) Prohibited Signs in all Districts

The following signs are prohibited in all zoning districts:

1. Off-premises signs, with the following exceptions:
 - a. Temporary Event Signs in accordance with the provisions of this Section.
 - b. Permanent Off-Premises Signs with a Conditional Use Permit
 - i.) Such permit shall be granted only to those businesses located within the corporate limits.
 - ii.) Good cause must be shown as to the necessity for such an off-premises sign.
 - iii.) The sign must be placed as close to the premises as is reasonably possible.
 - iv.) Additional site-specific conditions may be placed at the time a conditional use permit is issued, in accordance with the provisions of Article XV of this chapter.
 - v.) An agreement between the applicant and the property owner upon whose land the sign is to be located, in a form approved by the town attorney, shall be submitted with the conditional use permit application.

vi.) The issuance of such a permit shall be decided on a case by case basis and in conformance with the provisions of Article XV of this chapter.

c. Permanent Off-Premises Directional Signs

i.) Such sign shall not exceed four (4) square feet in area.

ii.) Such sign shall contain only the name of the business and an arrow and/or directional information, such as the distance to the property.

iii.) Such sign shall be permitted only after approval by the zoning administrator, and good cause must be shown for the necessity of such a sign.

iv.) Written permission from the property owner upon whose land the sign is to be located must be provided by the applicant.

d. Temporary Off-Premises Directional Real Estate Signs

i.) Such sign shall not exceed two (2) square feet in area.

ii.) Such sign shall contain only an arrow and the words "house for sale", "apartment for rent", "open house today", or similar copy, and/or directional information such as the distance to the property.

iii.) Such sign shall be placed only with the permission of the property owner upon whose land the sign is located, and such sign shall not be placed in a public right-of-way.

iv.) Such sign must be removed immediately upon the sale or rental of the property or upon the conclusion of the open house. If such sign is not removed in a timely manner, the zoning administrator may cause it to be removed and the cost may be billed to the owner of the sign.

2. Billboards and general advertising signs.
3. Portable signs, or any sign that is not permanently affixed to a building, structure or the ground, unless specifically authorized in this Section. This prohibition shall not apply to authorized temporary signs or temporary use signs.
4. Changeable copy signs, excluding approved institutional bulletin boards, theater signs, and price signs for drive-in uses (including fuel price signs).
5. Simulated traffic signs or any sign which may be confused with any authorized traffic signal or sign.
6. Any sign, other than pennants or banners, of which all or any part is in motion by any means, including fluttering, rotating, or other moving parts set in motion by movement of the atmosphere. This shall not apply to the hands of a clock or a weather vane.
7. Beacon lights and flashing signs, except for time and temperature signs.
8. Moored balloons or other floating signs that are tethered to the ground.
9. Any sign that consists of strings of light bulbs.
10. Any sign with a minimum clearance of less than eight (8) feet above a sidewalk or walkway, or less than fifteen (15) feet above a driveway.
11. Any sign which is erected over a public right-of-way.
12. Any sign, except official traffic notices and advertisements, which is nailed, tacked, posted, or in any other manner attached to any utility pole or structure for supporting wire, cable or pipe, or to any tree on any street or sidewalk, or to any public property, including authorized street signs, of any description.

13. Signs painted directly on the surface of a roof.

(h.) Permitted Signs in all Districts

The following signs shall be permitted anywhere within the town, and unless otherwise indicated, shall not require a sign permit; however, all other applicable regulations of this chapter shall apply:

1. Temporary use signs, as provided in this chapter, only when authorized by the zoning administrator as a condition of the temporary use permit. Such signs shall not exceed six (6) feet in height, nor twenty-four (24) square feet in area. The location of such signs shall be approved as a condition of the temporary use permit. All such signs shall be removed immediately upon the expiration of the temporary use permit.
2. Temporary signs, which shall be non-illuminated and limited to the following types:
 - a. Construction signs which identify developers, contractors, and other firms or individuals involved with the construction. One sign shall be allowed for the developer and/or contractor, not exceeding six (6) feet in height and twenty-four (24) square feet of area. Each additional firm involved in the construction of the project may be allowed one (1) sign, not to exceed eight (8) square feet in area and six (6) feet in height. Such signs shall be confined to the site of the construction and shall be promptly removed upon the completion of the work.
 - b. Real estate signs advertising the sale, lease or future use of the premises on which the signs is displayed. Such signs shall not exceed a total area of twelve (12) square feet, and six (6) feet in height, and only one such sign shall be allowed per street frontage of the property; however, a total sign area of up to forty (40) square feet shall be permitted when such signs are set back at least fifty (50) feet from the front lot line. Such signs shall be removed upon the date of sale or lease of the property.
 - c. Political campaign signs announcing the candidates seeking political office and other data pertinent thereto, up to an area of twenty-four (24) square feet for each premises, and not exceeding six (6) feet in height. Such signs shall be confined within private property, and shall be removed within seven (7) days after the election for which they were erected.
 - d. Signs announcing a civic, philanthropic, educational or religious event, when such events do not require a temporary use permit in accordance with this chapter. Such signs shall not exceed twenty-four (24) square feet in area and six (6) feet in height, and shall be removed within seven (7) days after the event for which they were erected.
 - e. Temporary, private yard sale signs, provided that all such signs are to be removed with twenty-four (24) hours of the end of the sale.
 - f. Grand opening signs and sign advertising special sales shall be permitted in B-1, B-2 and M-1 districts; provided that grand opening signs shall not be displayed for more than fourteen (14) days, and signs advertising special sales shall not be displayed for more than fourteen (14) days in any six (6) month period. Such signs may be permitted in the R-2A District, upon application for and approval of a temporary use permit, in accordance with the provisions of this chapter.
 - g. Insignia, decorative, or commercial flags, with such copy as "Open", "Welcome", etc. that are attached to the main building shall be permitted in the R-2A, B-1, B-2 and M-1 districts; provided that such flags shall not

exceed three (3) feet by five (5) feet in area. Local, state and federal governmental flags shall be permitted in all districts, without restrictions.

3. Trespassing signs, signs indicating the private nature of a road, driveway or other premises, and signs controlling fishing or hunting on the premises, provided that the area of any such sign shall not exceed two (2) square feet.
4. Official traffic or directional signs and other official federal, state, county or town government signs.
5. Commemorative plaques and historic markers erected by a recognized historical agency or government body.
6. Directional signs, not exceeding four (4) square feet in area and six (6) feet in height, placed within parking areas to identify entrances and exits and to control vehicular and pedestrian traffic in the lot. Such signs shall contain no advertising, and shall not be included in the total allowable sign area for the premises.
7. One sign per dwelling unit, indicating only the address and/or names of the occupants of the premises, not to exceed one (1) square foot in area.
8. Signs giving directions to or identifying entrances and exits for buildings or for permanent activities such as public recreational facilities. Such signs shall not exceed four (4) square feet in area.
9. One (1) preview menu board shall be allowed for restaurants in the B-1 and B-2 zoning districts offering drive through service. Such signs shall be considered to be internal informational signs and as such, shall not be included in the total allowable sign area for the premises provided that the following conditions are met:
 - a. The sign shall not exceed 42 square feet in area and 8'6" in height.
 - b. The sign shall be located adjacent to the drive through aisle.
 - c. Lettering on the sign shall not be visible from the street.
 - d. The sign shall be for internal informational purposes only and contain no company advertising.
 - e. The sign shall be located no closer than the distance of two (2) stacking spaces from any entrance to the property.
10. One church or other institutional bulletin board per street frontage, not exceeding twenty-four (24) square feet in area, may be displayed on the property of the use. Such bulletin boards may use changeable copy signs.
11. One identification sign, not exceeding twenty-four (24) square feet in area, for the purpose of showing the name of a convent, monastery, seminary, country club, public building, public park or playground, community building, hospital, sanitarium, cemetery, children's hospital, orphanage, fraternal organization, apartments, and similar uses, when such use is permitted in a zoning district, and when such sign is erected or displayed on the property so identified.
12. One sign per street frontage of the perimeter of the development or subdivision, not exceeding twenty-four (24) square feet in area, for the purpose of advertising or identifying a housing development or subdivision, when erected on the property so identified.

(i.) Individual District Regulations

Unless a sign is specifically permitted in an individual district by the provisions of this subsection or by the provisions of subsection "h" of this Section, the sign shall be considered to be prohibited in that district.

1. District R-1, Residential

a. Only those signs that are permitted in subsection “h” of this Section shall be permitted in the R-1 District; except that one (1) non-illuminated sign, not exceeding two (2) square feet, may be erected on the premises of a bed and breakfast establishment.

b. All temporary use signs and temporary signs, as provided in this Section, shall be placed no closer than five (5) feet to the front lot line, and no closer than ten (10) feet to any side lot line.

c. Institutional bulletin boards, subdivision signs, and identification signs shall be set back at least ten (10) feet from the front and side lot lines.

d. No sign shall project beyond any property line. If ground-mounted, no sign shall exceed six (6) feet in height; if building mounted, such sign shall be flush mounted, shall not be mounted on any roof of the building, and shall not project above the roofline.

e. Illumination of institutional bulletin boards, subdivisions signs, and identification signs shall be allowed; however, such illumination shall be by what is known as “white” and not colored light, and shall not be blinking, fluctuating or moving. Light rays shall shine only upon the sign or upon the property within the premises and shall not spill over the property line in any direction, except by indirect reflection.

2. District R-2, Residential, and District R-3, Residential

All signs that are permitted in the R-1 District shall be permitted in the R-2 and R-3 Districts, and all provisions for such signs as set forth in the preceding paragraphs shall be applicable in the R-2 and R-3 Districts, with the following exceptions:

a. One (1) home occupation sign, not exceeding four (4) square feet in area and, if ground-mounted, six (6) feet in height, for the purpose of indicating a home occupation, where erected or displayed on the property upon which the private dwelling is located and bearing only the name or home occupation of an occupant of such dwelling. Such signs shall not be illuminated, and shall be set back at least five (5) feet from the front lot line, and ten (10) feet from any side lot line.

b. One (1) professional office, bed and breakfast establishment, or private medical transport service identification sign not exceeding four (4) square feet in area and, if ground-mounted, six (6) feet in height, for the purpose of indicating such use when erected or displayed on the property upon which such use is located, and bearing only the name and the nature of the use. Such signs may be illuminated, in accordance with the specifications set forth for identification signs in the R-1 District, and shall be set back at least five (5) feet from the front lot line and ten (10) feet from any side lot line.

c. Real estate signs, as provided in subsection “h” of this Section, may be erected up to the property line.

d. Signs advertising the sale or rental of units within multi-family dwelling may be up to twenty-four (24) square feet in area, provided that there shall be no more than one (1) such sign on any lot on the same street frontage.

3. District R-2A, Residential

All signs that are permitted in the R-2 and R-3 Districts shall be permitted in the R-2A District, and all provisions for such as set forth in the preceding paragraphs shall be applicable in the R-2A District, with the following exceptions:

a. Conditional use businesses may have one (1) identification sign, which may be ground-mounted, projecting, or flat-wall on the property upon which the business is located. If ground-mounted, such sign shall not extend beyond the established setback line, shall be located at least ten (10) feet from any side lot line, and shall not exceed eight (8) feet in height. If projecting, such sign shall be a minimum of eight (8) feet in height above any sidewalk or walkway, shall not extend closer than two (2) feet to the curb line, and shall not project over any public street right-of-way. Such signs shall be constructed of wood and, if free-standing, shall be mounted on either a wooden or decorative metal structure. Such signs may be illuminated with white light, in accordance with the specifications set forth for the illumination of identification signs in the R-1 District. Additional flat wall signs, permanently mounted and constructed of wood, may be erected on the building. Such signs shall not exceed a total combined area of forty (40) square feet, with no one sign exceeding twenty (20) square feet in area. Such signs shall be displayed only on such walls of the building with an unobstructed view from a street, alley, driveway or parking area. No flat wall sign shall project beyond the surface of the building or above the roofline of the building. No temporary, temporary mounted, or portable signs advertising sales events or the sales of specific items, such as fireworks, shall be permitted, except in accordance with the provisions of subsection "h" of this Section. A sign permit application containing all of the information required by this Section shall accompany a conditional use permit.

b. Signs for conditional use businesses shall advertise only the general business conducted within the premises upon which such signs are erected or displayed.

4. Planned Development Districts

Applicants submitting a petition for planned development district (PRN or PRMH) shall submit the proposed maximum size, height, setbacks, number, and, where applicable, location of signs, including proposed limitations and requirements for all private signs. Such signage plan shall be reviewed as part of the Development Plan approval procedure. In general, such signs as are allowed in the R-2 and R-3 Districts shall be permitted in a planned development district; except that no home occupation signs shall be permitted in a PRMH District.

5. District B-1, Business

In the B-1 District, the following signs shall be permitted:

- a. Any sign permitted in subsection "h" of this Section, and any sign permitted in a residential district, with setback requirements waived unless otherwise provided herein.
- b. Signs advertising only the general business conducted within the premises upon which such signs are erected or displayed.
- c. Signs permitted within the B-1 District shall be erected or displayed only on such walls of a building as face a street, alley, or parking area, or as freestanding signs upon the lot, and shall be subject to the following provisions as to size and location:

1. One-Story Buildings The total area of all signs facing a street, alley or parking area shall not exceed two (2) square feet for each foot of building width facing such street, alley or parking area.
2. First Floor Businesses in Multi-Story Buildings The total area of all signs facing a street, alley or parking area shall not exceed two (2) square feet for each foot of building width facing such street, alley or parking area; provided that all such signs shall be kept within a height of twenty (20) feet above the sidewalk.
3. Upper Stories of Multi-Story Buildings Containing One or More Businesses Above the First Floor The total area of all signs facing a street, alley or parking area on any wall above the twenty (20) foot height specified in the preceding paragraph shall not exceed forty (40) square feet or one-fortieth of the area of that wall above such twenty (20) foot height, whichever is greater.
4. Multi-Story Buildings Occupied by One Business Only Where entire buildings over one story in height are occupied by one business, a total sign area of one-hundred (100) square feet facing any street, alley or parking area, or one-fortieth of the wall area facing such street, alley or parking area, whichever is greater, may be substituted for the allowable sign areas specified in paragraphs (2) and (3) above, and, in such cases, the sign may be located without regard to the twenty (20) foot height provisions contained in paragraph (2) above.
5. Signs Hung on Marquees Signs may be hung on and parallel to the face of a marquee, awning or canopy, or they may be hung by chains or similar devices from the underside of the marquee, awning or canopy; provided that the bottoms of such signs may not be less than eight (8) feet above the sidewalk or grade at any point, and that the tops of such signs shall be kept within twenty (20) feet above the sidewalk or grade. Such signs shall not exceed more than fifteen (15) square feet in area, and the area of any such sign shall be included in determining the total area of signs erected or displayed. No sign, when hung from the underside of a marquee, awning or canopy, shall extend closer than two (2) feet to the curb line, nor shall it project over a public street right-of-way.
6. Projection and Height of Signs Signs may be erected or displayed flat against a wall provided that the bottom of a sign, the area of which exceeds six (6) square feet, shall not be less than eight (8) feet above the sidewalk, alley or parking area; except that the zoning administrator may waive this requirement for the placement of such a sign above a private sidewalk, alley or parking area upon written request by the applicant showing good cause for the necessity of such a waiver and upon a finding that such waiver will not in any way present a potential safety hazard and/or otherwise be inconsistent with the purpose of this section. Signs attached to a building may project beyond the setback line, provided that; such signs shall extend no closer than two (2) feet to the curb line; such signs shall have a minimum clearance of eight (8) feet above a public sidewalk; and no sign shall project over the vehicle traffic lanes of a public street or alley or parking area, nor shall it project over a public street right-of-way. No projecting sign shall exceed fifteen (15) square feet on one side, nor have more than three (3) faces. When a projecting sign is closer than twelve

(12) feet to the corner of a property, its projection shall be no more than a distance equal to one-half the horizontal distance from the sign to the corner. The area of the above said signs shall be included in determining the total area of signs erected or displayed.

7. Roof Signs No roof signs shall be permitted in the B-1 District.

8. Freestanding Signs Freestanding signs may be erected or displayed on a lot where drive-in service or parking is provided, subject to the following requirements:

a. Where drive-in service or parking is provided on a lot and where 1.) such drive-in service or parking leaves a distance between the building and the side lot line of twenty-five (25) feet or more, or 2.) where a building is set back twenty-five (25) feet or more from the front lot line, two freestanding signs shall be permitted. No signs other than those indicated on the sign permit shall be attached to a freestanding sign. Freestanding signs shall not be erected more than twenty-five (25) feet in height above grade, nor project beyond any property line and shall not exceed seventy-five (75) square feet in area. Where signs are erected as freestanding signs upon the lot, the total area of all signs permitted by this Section shall be two (2) square feet for each foot of lot frontage; provided that signs erected or displayed on any building or buildings on such lot shall conform to the requirements and restrictions contained in other paragraphs of this Section.

b. Where drive-in service or parking leaves a distance of less than twenty-five (25) feet between the building and a side lot line, or where a building is set back less than twenty-five (25) feet from the front lot line, one (1) freestanding sign may be erected, subject to all of the requirements as set forth in this Section for freestanding signs for conditional use businesses in the R-2A District (excluding side yard setback requirements.) No such sign shall project beyond the front setback line, and such signs shall be included in the total allowable area of signs to be erected or displayed, as provided in paragraphs (1) through (4) above.

9. Identification Signs for Shopping Centers Identification signs for shopping centers, as defined in Sec. 70-10 of this chapter, shall be permitted, and the area of such signs shall not be included in the total area of signs otherwise permitted in this subsection for separate businesses. The total area of such identification signs for any shopping center shall not exceed one (1) square foot for each foot of street frontage, nor shall the total area of such signs facing any street, alley or parking area exceed one-hundred and fifty (150) square feet.

10. Advertising Theater Acts, Etc. Signs advertising the acts of features to be given in indoor theaters, as defined in Sec. 70-10 of this chapter, may be displayed on permanent frames erected on theater buildings in accordance with the provisions of this Section as to size and location; provided that the bottom of any such frame erected flat against a wall may be less than eight feet above the sidewalk, alley or parking area; provided further, that when the area of any such frame facing a street, alley or parking area does not exceed twenty-four (24) square feet and the area of any such frames facing such street, alley or parking area does not exceed forty-eight (48) square feet, the area of the signs

displayed thereon shall not be included in determining the total area of signs to be erected or displayed.

11. One (1) portable, changeable copy price sign for each street frontage shall be permitted for drive-in service uses only (including automobile service stations), and shall not exceed twenty (20) square feet in area. Such signs shall not project beyond the property line, nor shall they impair or obstruct in any way the safe ingress and egress to and from the site. Such signs shall be included in the total allowable sign area for the use.

6. District B-2, Business

All signs that are permitted for non-residential uses in the B-1 District shall be permitted in the B-2 District, and all provisions for those signs as set forth in this Section shall be applicable in the B-2 District, with the following exceptions:

- a. Roof Signs One (1) roof sign per lot, not exceeding a total area of one-hundred (100) square feet, may be erected or displayed in the B-2 Business District only; provided that the area of any roof sign shall be included in the total area of signs permitted by this Section and shall not be in addition thereto. No roof sign shall project beyond the property line, nor extend more than fifteen (15) feet above the roof level at the point where it is erected. No sign shall be painted directly on the surface of the roof.
- b. Freestanding Signs On any lot in the B-2 District meeting the requirements for freestanding signs twenty-five (25) feet in height in the B-1 District as set forth in this Section, freestanding signs may be erected up to a maximum height of thirty (30) feet above the grade, and shall not exceed one-hundred (100) square feet in area. All other provisions for freestanding signs as allowed in the B-1 Business District shall be applicable in the B-2 Business District.

In addition, those properties located within the B-2 Interstate Corridor Business District that adjoin Interstate 81's right-of-way and those properties that adjoin Miller Lane (State Hwy. 619) and George Collins Parkway (State Hwy. 305) are permitted to construct one (1) freestanding sign up to 1164' above sea level, as determined and shown on a signed site plan by a state licensed engineer or surveyor. All other applicable provisions for freestanding signs in the B-2 District shall apply.

7. District M-1, Industrial

All signs that are permitted for non-residential uses in the B-1 Business District shall be permitted in the M-1 Industrial District, when such uses for which the signs are accessory are permitted in the M-1 District. All provisions for such signs as set forth in this Section shall be applicable.

8. FC, Floodplain Conservation District

Signs may be erected within the Floodplain Conservation District in accordance with the regulations established in this Section for the underlying zoning district of the FC District; except that, in addition to all applicable criteria within these sign

regulations, any sign which is proposed to be erected within the FC District shall satisfy all applicable standards as established in Article XI of this chapter, and the planning commission, upon recommendation of the zoning administrator, is authorized to require modification of height, area or location of a sign upon determination that such change is necessary to promote the purpose and intent of the Floodplain Conservation District regulations.

Sec. 70- 152.1 Manufactured Homes

In addition to applicable restrictions in each district and requirements that may be imposed by conditional use permit, the following provisions shall apply to any manufactured home that is placed in any district, where allowed by this chapter, other than a PRMH district:

- (a.) All applicable district regulations for the placement of a single-family home on a lot, including but not limited to required setbacks, lot area, yard areas, lot frontage, building height and off-street parking, shall be applicable to the placement of a manufactured home on a lot.
- (b.) The wheels and hitch, if any, must be removed from the manufactured home, and it must be placed on a permanent foundation. Skirting is not allowed.
- (c.) The minimum width of the majority of the manufactured home shall be twenty-two (22) feet.
- (d.) The minimum roof pitch of the manufactured home shall be 3/12” (three (3) inches on every one (1) foot). The roof shall be covered with asphalt shingles unless an alternate material is approved by the planning commission.
- (e.) The manufactured home shall be sided with vinyl unless an alternate material is approved by the planning commission.
- (f.) The manufactured home shall be converted to real property.

Sec. 70-152.2 Residential Occupancy Standards

The purpose of this section is to promote and protect the health, safety and general welfare of the public within the residential community of the Town of New Market. Occupancy of dwelling units shall be limited to the maximum number of occupants allowed by this section in order to protect against threats to neighborhood quality that accompany overcrowding of land or excessive density of population in relation to existing community facilities.

1. Occupancy of Dwelling Units

In any district in which residential uses are allowed or legally exist each dwelling must be occupied by a family as both such terms are defined in Section 70-10 of this ordinance. Occupancy by any other persons shall be a violation of this ordinance.

2. Calculation of Residential Occupancy

In multi-family dwellings the maximum number of adult occupants is calculated by taking the square footage of the livable floor area and dividing by 200. The following table sets forth the maximum number of adult occupants in a single-family detached

dwelling, two-family dwelling, two-family attached (duplex) dwelling, and single-family attached dwelling (town house):

Livable Floor Area of Dwelling Unit (in square feet)	Maximum Number of Adult Occupants
1 to 1,200	5 adult occupants
1,201 to 1,750	6 adult occupants
1,751 to 2,400	7 adult occupants
2,401 to 3,150	8 adult occupants
3,151 to 4,000	9 adult occupants
4,001 to 4,500	10 adult occupants

3. Occupancy Standards for Bedrooms

One occupant per bedroom requires at least 70 square feet of bedroom floor area. Two or more occupants requires at least 50 square feet of bedroom floor area per person. The table below specifies the maximum number of occupants per room that would be allowed in a specified dwelling unit based on the floor area of each designated bedroom.

Minimum Bedroom Size (square feet)	Maximum Number of Occupants per Room*
70	1
100	2
150	3
200	4

4. Conformance Required

All owners and occupants of any dwelling that violates this ordinance shall comply with its terms within ninety days of the enactment of this ordinance. Thereafter, each owner and occupant in violation of this ordinance is in violation of the New Market zoning ordinances and is subject to all penalties set forth in such ordinances.

5. Enforcement

The zoning administrator or one of his/her agents is authorized to investigate incidences of possible excessive occupancy in the Town. In exercising the powers granted by this Section, the zoning administrator or the designated agent may inspect buildings to the full extent permitted by law. Upon the zoning administrator’s conclusion that there exists excessive occupancy of a dwelling unit, the zoning administrator, on behalf of the Town, may seek an injunction to limit, lower or control the number of occupants in the dwelling unit, or take such other action as permitted by law.

6. Investigative Criteria

When determining if excessive occupancy exists in a dwelling, the zoning administrator or one of his/her agents shall conduct an investigation and keep the findings on file for a period of no less than five years. The investigation will collect information about indicators of excessive occupancy including, but not limited to: number of vehicles stored

and registered at the dwelling, water usage, amount of trash, number of complaints from surrounding property owners, and number of people seen entering and exiting the dwelling at various times during the day.