

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.
- (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.

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.

Sec. 70- 129 Recreational Vehicles, Travel Trailers, and other Major Recreational Equipment

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, whichever 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 (3) 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 supersede 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

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. A planting plan shall be submitted with any site plan required pursuant to Sec. 70-171. Such plan shall specify the type, size and location of existing and proposed planting material.
2. Landscaping in setback areas must take into consideration traffic hazards. Only groundcover and decorative planting, which does not exceed two and one-half (2 ½) feet in height may be within fifty feet of the corner of intersecting streets, and twenty-five feet of a curb opening.
3. All new or enlarged parking areas, excluding industrial sites, which require more than twelve parking spaces shall include well-defined and well-maintained landscape areas equal to at least ten 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, a planting plan shall also specify whether, and to what extent, existing trees and other natural features are to be removed.

(b.) Buffer-Yards

1. Buffer yards, and the area thereof, may be required as part of a conditional use permit in accordance with Article XV of this chapter, and shall be used for the planting of landscape materials that buffer adjacent land uses. Unless otherwise expressly provided in the conditional use permit, 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 a 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. (Reserved).

(c.) Screening

1. Screening, when required by this Chapter, shall be designed to minimize the impact of any adverse visual effects, reduce noise, and discourage trespassing on adjacent properties and shall be constructed of materials such as a solid masonry wall, vinyl fence, a uniformly finished solid board fence with its finished side facing an adjacent property, or an evergreen hedge, or as required by a conditional use permit. All screening must be at least six feet in height unless otherwise expressly provided by the terms of a conditional use permit.
2. Non-residential uses on lots zoned B-1, B-2, or M-1 shall have screening along any property line(s) abutting any lot within a residential zoning district.
3. Dumpsters shall be screened on all four sides of the dumpster.

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
1. A temporary use permit for such activities shall be issued for not more than ten (10) consecutive days.
 2. Adequate provisions must be made for off-street parking and for safe ingress and egress, and must be approved by the zoning administrator.
 3. 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.
 4. 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. Unless otherwise provided within this Chapter, and subject to the regulations of this Chapter, home occupations are allowed with a home occupation permit as an accessory use 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. An accessory building may be constructed for storage of inventory in conjunction with the home occupation.
- (c.) (Reserved).
- (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.) (Reserved).
- (g.) No equipment shall be used except as is customarily used for purely domestic or household purposes. No toxic, explosive, flammable, combustible, corrosive, radioactive 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.) Signage associated with a home occupation shall be in accordance with Sec. 70-152 of this article.
- (i.) (Reserved).
- (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, for up to nine persons shall be an allowed permitted home occupation, provided that the other provisions of this Section and Chapter are complied with. In-home day care for more than nine persons shall not be allowed as a home occupation.
- (m.) Permitted home occupations shall not, in any event, include: in-home day care for more than nine 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, whether 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. .

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. (Reserved).
4. (Reserved).
5. The zoning administrator, upon becoming aware of any violation of this Section or of the conditions of the permit, shall issue a notice of violation to the operator of the home occupation by certified mail. Upon the receipt of such notice, the operator of such activity will have ten days to correct the violation.
6. The zoning administrator may revoke a home occupation permit for violation of this Section or with the conditions of a permit, and failure to remedy such violation. Notice of such revocation shall be given in writing by the administrator to the operator of the home occupation, by 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.
7. 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.
8. 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 marshal'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 purposes of these regulations are 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.

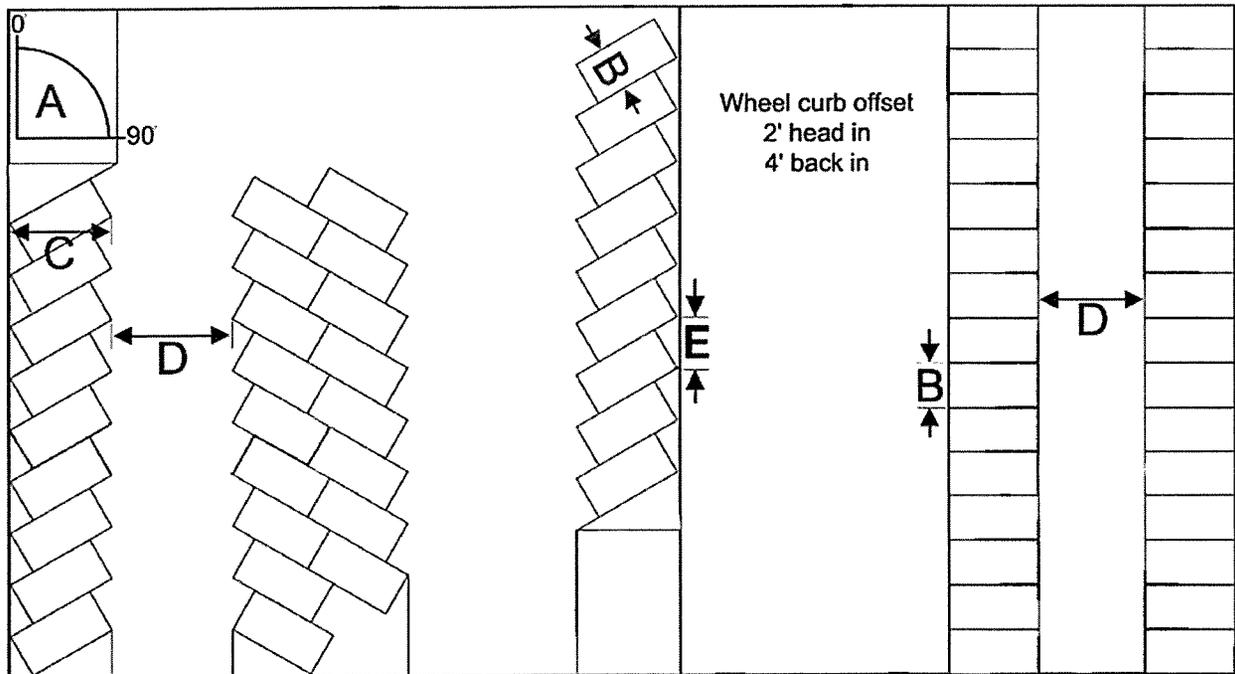
2. No person, firm or corporation shall utilize such structure or use without providing the off-street parking spaces to meet the requirements of and be in compliance with this Section.
3. Should a nonconforming structure or use be enlarged or expanded, or should a use or structure be nonconforming because 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 spaces for two or more structures or uses is permissible for non-residential uses, provided that any off-site parking must be upon a property or properties where off-street parking is a permitted use in the applicable zoning district. Off-site parking shall conform to the standards established within paragraph 6 of this subsection. The minimum required number of parking spaces for the combined uses may be reduced by twenty percent for shared parking when hours of operation overlap. When the hours of operation do not overlap, a shared off-street parking area may possess a total number of parking spaces equal to the use which requires the largest amount of off-street parking spaces amongst those sharing a parking facility. Collective parking involving multiple parties shall submit an agreement with the associated site plan to be reviewed by the Town Attorney. The parking area to be shared must be owned by the owner of at least one of the uses or leased for at least a ten-year term or through a permanent easement by the owner of the uses being served.
6. Unless otherwise expressly allowed in this Chapter, parking spaces required for residential uses shall be located on the same lot as the dwelling. Parking spaces required for non-residential uses may be located on or off-site, provided an off-site property is located within a zoning district where permitted uses include off-street parking and is within three-hundred feet of the principal use, such distance to be measured along lines of public access to the property. The area used for off-site parking spaces must be owned by the owner of the use or leased for at least a ten-year term or through a permanent easement by the owner of the use being served.
7. Off-street parking spaces shall be used solely for the parking of vehicles in operating condition by the patrons, occupants or employees of the use to which such spaces are accessory. No motor vehicle repair work, except emergency service, shall be permitted in association with any public off-street parking spaces. The storage of merchandise or the sale of vehicles is prohibited in a required off-street parking space, except as specifically authorized in this chapter.
8. Parking spaces 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 three feet from a property line in all districts, unless otherwise provided for in this chapter. No parking space for a multi-family dwelling shall be less than ten feet from a residential structure.
10. Non-residential uses permitted in residential districts may utilize no more than fifty percent of the area between the primary structure's setback and a public street as a parking area
11. Trucks or buses over five thousand 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.
12. No zoning permit shall be issued unless the requirements of this Section are met.

(b.) Design Standards

1. All off-street parking spaces shall be designed and constructed in a manner so as to provide efficient circulation, convenient access to adjoining streets, pedestrian safety, and a pleasing appearance so as to not adversely impact surrounding property.
2. A parking space for an automobile, and areas surrounding parking space such as the parking aisles, shall have the dimensions as specified in the table and diagram below:

Vehicle	A Parking Space Angle in degrees	B Parking Space Width	C Parking Space Length	D Aisle Width		E Curb Length per Space
				One- Way Traffic	Two- Way Traffic	
Standard Car	Parallel 0	9'-0"	23'0"	12'-0"	20'-0"	23'-0"
	30	9'-0"	16'-10"	9'-0"	20'-0"	18'-0"
	45	9'-0"	19'-0"	11'-0"	20'-0"	12'-9"
	60	9'-0"	19'-6"	17'-0"	20'-0"	10'-5"
	Perpendicular 90	9'-0"	18'-0"	20'-0"	24'-0"	9'-0"
Compact Car	Parallel 0	8'-0"	22'-0"	12'-0"	20'-0"	22'-0"
	30	8'-0"	16'-0"	9'-0"	20'-0"	16'-0"
	45	8'-0"	18'-5"	11'-0"	20'-0"	11'-4"
	60	8'-0"	17'-0"	17'-0"	20'-0"	9'-3"
	Perpendicular 90	8'-0"	16'-0"	20'-0"	24'-0"	8'-0"



3. Off-street parking spaces shall be reserved for persons with disabilities in accordance with applicable federal and state regulations. Uses with off-site parking spaces, whether shared or independent, must provide handicapped parking spaces on-site.
4. 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 the Virginia Department of Transportation (VDOT) requires additional entrances and exits per street.
5. Parking spaces shall be designed so as to prevent parked vehicles from extending beyond the limits of the parking space.
6. Uses required to provide at least 10 parking spaces may have ten percent of the required parking spaces as designated compact parking spaces, provided that in no event shall compact parking spaces exceed 10 spaces for any use. Such compact parking spaces shall be signed or marked as compact spaces, and located so as to provide convenient access to the associate use.
7. 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. Only residential parking areas located upon the same lot as the dwelling unit they serve may be designed so that a vehicle must back onto a public street to exit.
8. Unless otherwise provided by this chapter, all parking spaces, drive aisles and access driveways shall be constructed with asphalt, concrete, or a pervious alternative, provided that the applicant submits technical information

documenting that the pavement is comparable in terms of strength, appearance, and longevity. Pervious pavement material shall constitute open space within lot coverage calculations.

9. Concrete curb and gutter shall be installed within off-street parking areas with more than twelve spaces in order to manage storm drainage, channel traffic, protect buildings and landscape areas, and separate the flow of vehicular and pedestrian traffic.
10. Pedestrian walkways shall be integrated within off-street parking areas in order to provide pedestrians a safe and convenient path between a parking area and a building. Features may include but are not limited to sidewalks at least four feet in width, marked crosswalks, and landscape island breaks.
11. 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 unreasonably drain onto adjacent property.
12. Parking spaces for uses required to contain at least three 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. 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.
14. 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.
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 space shall be disregarded, and fractions over one-half shall require one additional parking space. When the units of measurement determining the number of compact parking spaces that may replace standard parking spaces creates a fractional number of spaces, any fraction less than one-half shall be disregarded, and fractions equal to and greater than one-half shall enable one additional standard parking space be replaced with a compact parking space. (For example, a 25-space parking lot may include three compact parking spaces.)
3. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

4. The number of employees shall be computed as the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. In instances where a use experiences seasonal variation, the average shall be determined from the peak season exclusively.
5. All references to maximum occupancy shall mean the maximum occupancy as determined pursuant to the Virginia Uniform Statewide Building Code.
6. 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.

(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 SPACES</u>
<u>1. Residential Uses</u>	
Single-family detached dwellings	Two for each dwelling unit
Two-family dwellings	Two for each dwelling unit
Two-family attached (duplex) dwellings	Two for each dwelling unit
Town houses	Two for each dwelling unit
Multi-family dwellings, including apartment houses, condominiums and garden apartments	One and one-half for each dwelling unit with one bedroom, Two and one-half for each dwelling unit with at least two bedrooms
Elderly housing	One and one-half for each dwelling unit, one for each employee on the largest shift, plus one for each vehicle associated with the facility
<u>2. Group Quarters</u>	
Convalescent, nursing or rest homes	One for each four beds, plus one for each employee on largest shift
<u>3. Transient Lodgings</u>	
Hotel and Motel	One for each guest room, plus one for each employee on largest shift, plus required parking spaces for any restaurant or assembly space

Bed and Breakfast Establishment

Two for the dwelling, plus one 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

One per three people at maximum occupancy of assembly place plus spaces as required for complementing uses such as classrooms or offices

Kindergartens and day care facilities; nursery, Elementary, intermediate, or junior high schools (including home occupations)

One for each teacher, employee or administrator, one for each vehicle associated with the facility, one per ten students based on the maximum capacity of the facility, plus additional space as required by this Section for auditoriums, etc., or four, whichever is greater

High school, public or private

One for each teacher, employee or administrator, one for each vehicle associated with the facility, one 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 for each teacher, employee or administrator, plus one for every five students based on the maximum capacity of the school, plus additional space as required by this chapter for auditoriums, stadiums, etc.

Community centers, public libraries, museums art galleries, and similar uses

One for every two hundred and fifty square feet of floor area

Hospitals

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

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

One for every three members, based on maximum occupancy or one for each three hundred square feet of floor area, whichever is greater

Governmental offices

One for each three-hundred square feet of floor area, plus one for each governmental vehicle

Utility facility, major	One for each employee based on maximum shift, plus one for each company vehicle
Utility facility, minor	One
5. <u>Commercial Uses</u>	
Direct retail sales (unless otherwise specified)	One for each two-hundred and fifty square feet of floor area up to ten-thousand square feet or three, whichever is greater One for each three-hundred and fifty square feet of floor area for subsequent square footage
Automobile service stations	Two for each service bay, one for each employee based on maximum shift, spaces required for complementing uses such as convenience stores or showrooms, plus one for each company vehicle. A service bay shall not be considered a parking space
Vehicular sales and rentals	One for each two-hundred and fifty square feet of floor area plus spaces as required for complementing uses such as service bays
Car wash	One for each bay plus one for each employee based on largest shift for full service car wash One for every two bays for self-service car wash
Wayside/roadside stands or markets	One for each one-hundred square feet of floor area or three, whichever is greater
Landscaping, lumber or building material sales,	One for each three-hundred square feet of indoor retail, display, and office area, one for each two-thousand square feet of indoor or outdoor warehouse or storage area, plus one space for each company vehicle
Laundromats	One for every two washing machines
Eating establishments, carry-out only	One for every seventy-five square feet of floor area, or three, whichever is greater
Restaurants, including fast-food, snack bars, Dining and/or drinking establishments	One for every one-hundred square feet of floor area, including outdoor seating areas
Indoor theaters	One for every three seats, plus one for each employee on largest shift

Bowling alleys	Three per alley, plus additional spaces as required by this Section for bar, restaurant, assembly space, etc
Private medical transport service area	One for each three-hundred square feet of office plus one for each transport vehicle and one for each employee on maximum shift
Dance halls, pool rooms and other similar places of recreation	One for every three patrons based on maximum occupancy plus spaces required for complementing uses such as restaurants or bars
Shopping centers	One for each two-hundred and fifty square feet of floor area up to ten-thousand square feet One for each three-hundred and fifty square feet of floor area for subsequent square footage
Animal hospital or kennel	One and one half for each examination or treatment room plus one for each employee on largest shift
Personal service establishments	One for every three-hundred square feet of floor area or three, whichever is greater
Medical and dental clinics	One and one half for each examination or treatment room plus one for each employee on largest shift
Office buildings; offices of professionals, including banking, and financial services, service businesses, administrative and commercial offices	One for every three-hundred square feet of floor area or three, whichever is greater
Funeral homes and mortuaries	One for every three seats of maximum seating capacity in chapels or parlors with fixed seats, one for every one-hundred square feet of floor area for assembly rooms without fixed seats for services, plus one reserved space for each ambulance, hearse, or company vehicle
Warehouse and wholesale trade establishment	One for each two thousand square feet of floor area plus one for each company vehicle
Enclosed storage/mini-storage facilities	One for each two-hundred and fifty square feet of office area or three, whichever is greater when an office is present None when an office does not exist on-site

6. Industrial Uses

Industrial/manufacturing	One 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
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7. Recreational Uses

Country club	One for every three members based on maximum occupancy or one for each three-hundred square feet of floor area, whichever is greater
Golf course	One and one-half for every hole, plus one for every employee on largest shift
Indoor (swimming pools, skating rinks, recreational centers and similar establishments)	One for every three patrons based on maximum occupancy plus one for every employee on largest shift
Outdoor (swimming pools, skating rinks, miniature golf and similar establishments)	One for every three patrons based on maximum occupancy plus one for each employee on largest shift
Outdoor court games (tennis, basketball and similar establishments)	One for every three 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 addition to the parking spaces required by subsection (d) in order to alleviate traffic congestion. Stacking spaces shall be a minimum of ten feet in width and eighteen feet in length. Unless otherwise expressly provided, all stacking areas shall be separate from, and in addition to, all other required circulation aisles and parking spaces. Stacking areas shall not impede on or off-site traffic movement and shall not endanger pedestrians accessing a public entrance. The following uses shall provide a minimum number of stacking spaces as specified below:

1. Fast-food restaurant drive-up windows	Three stacking spaces, with the distance measured from the ordering station
2. Car washes	Three stacking spaces per car washbay. Vacuum stations located before a car wash bay entrance may constitute one stacking space
3. Financial institution drive-up windows	Three stacking spaces per lane

4. Other uses with drive-up windows or similar characteristics Three stacking spaces

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

(a.) Purpose and Interpretation

The purpose and intent of this Section is to promote and protect the public health, safety, convenience, and general welfare by regulating the size, illumination, movement, materials, location, height and condition of all Signs placed within the Town of New Market. It is intended

to protect property values, encourage economic development, protect against destruction of or encroachment upon historic areas, and to facilitate the creation of an attractive and harmonious community. It is further intended to reduce distractions, obstructions, hazards and confusion to pedestrians and motorists caused by the excessive size, height, number, indiscriminate placement, inappropriate means of illumination or movement, and unsafe construction of Signs.

The following regulations shall apply to all Signs erected within the Town of New Market and such regulations allow for adequate communication through signage while encouraging aesthetic quality in design, location, size and purpose of all Signs. Any Sign erected, placed, altered or maintained after the effective date of this Ordinance shall conform to the regulations of this Section. Signs not expressly allowed by this Section or provided for elsewhere in this Chapter are prohibited.

This Section shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this Section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Section which can be given effect without the invalid provision.

(b.) Definitions for the Purpose of this Section

For the purposes of this Section, the definitions concerning Signs and their various features and characteristics shall have the following meanings:

A-Frame Sign A type of Portable Sign consisting of one or two Sign Faces that are connected at the top but are separated at the bottom, forming the shape of an “A”. This Sign is also commonly referred to as a sandwich board sign.

Accessory Non-Residential Use An accessory use that is not customarily accessory to a Residential Use allowed on a lot for which the principal use is a Residential Use. A home occupation is an example of an Accessory Non-Residential Use.

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

Awning A light roof-like structure, consisting of a fixed or moveable frame that is covered by cloth, plastic or metal materials that is generally constructed over windows and doors, provides protection from the weather, and is supported entirely by the exterior wall of a building.

Awning Sign Any Sign that is part of or attached to an Awning.

Balloon Sign A balloon, tethered in a fixed Location, which displays a Sign on its surface or attached to the balloon in any manner.

Banner A Temporary Sign whose flexible material allows it to be affixed to a structure, pole, wire, or other similar supports and which is designed to be installed with attachments at each of the four corners.

Beacon Lighting Any electrical light source in which the primary purpose is to attract attention to a Location by casting a concentrated beam of light skyward rather than to illuminate any particular Sign, structure or object.

Canopy A roof-like structure that is attached to a building and projects a frame that is generally supported by columns or posts affixed to the ground or is a large free-standing roof-like structure that provides overhead protection from the weather.

Canopy Sign Any Sign that is part of or attached to a Canopy.

Changeable Copy Sign A Sign or part of a Sign that is designed so that text or symbols can be changed without altering the face or surface of the Sign.

Electronic Display Board A type of Illuminated, Changeable Copy Sign that consists of electronically changing text and symbols, including but not limited to a Sign with a digital display such as LCD, LED, or plasma display. The message display shall not change in intervals of less than five seconds or it shall be considered a Flashing Sign. The message shall not move or appear to move, in which case if it does it shall be considered an Animated Sign.

Feather Sign A Portable Sign that has a message attached to a flexible pole and which resembles a feather, sail or teardrop in shape.

Flashing Sign A Sign whose artificial illuminations are not kept constant at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include Electronic Display Boards that meet the requirements of this Section.

Freestanding Sign A Permanent Sign which is supported by structures or supports in or upon the ground and such Sign is independent of any support from any building. Monument Signs and Pole Signs are sub-types of Freestanding Signs.

Illegal Sign Any Sign erected without a required permit or which otherwise does not comply with the provisions of this Section.

Illuminated Sign A Sign that is backlit, internally lighted, directly lighted or indirectly lighted.

Inflatable Sign A Sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure and equipped with a portable blower motor that provides a constant flow of air into the device.

Location Location shall mean the broadest of the following: (i) a lot, or (ii) multiple lots if spanned by a single entity, organization, or enterprise.

Manual Changeable Copy Sign A Sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a Sign Face.

Marquee A permanent roofed structure that is attached to and supported entirely by the building, generally over a main entrance, and providing protection against the weather. No portion of a marquee shall be used for occupancy or storage.

Marquee Sign A Wall Sign attached to a Marquee with changeable, fixed or both types of lettering in use.

Minor Sign A Wall Sign, Projecting Sign or Freestanding Sign of a limited size, determined by use of the lot and the district in which it is displayed.

Monument Sign A Sign permanently 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 nor attached to any part of the building.

Nonconforming Sign Any Sign which was lawfully erected in compliance with applicable regulations of the Town and maintained prior to the effective date of this Section of the Zoning Ordinance and which now fails to conform to current standards and restrictions of the Zoning Ordinance.

Non-Residential Use Any primary use other than a dwelling, as defined in Section 70-10 of this chapter, or a use customarily incidental to a dwelling, shall be considered a Non-Residential Use. In the case of a lot on which the primary uses are both non-residential and residential, the use shall be considered Non-residential for the purposes of this Section. Also see the definition of "Accessory Non-Residential Use."

Off-Premises Sign A Sign erected on one Location for the use or benefit of a different Location, including but not limited to a billboard.

Official Traffic Sign Official highway route number signs, street name signs, and other traffic signs erected and maintained by the Virginia Department of Transportation, Town of New Market, Shenandoah County, or any other authorized governmental agency on public highways and roads in the interest of public safety and for the regulation of traffic.

Permanent Sign A Sign attached or affixed to a building, window, structure, or to the ground in a manner that enables the Sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the Sign and whose intended use appears to be indefinite.

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

Portable Sign A Sign designed to be transported or moved and not permanently attached to the ground, a building or other structure. Types of Portable Signs include but are not limited to Feather Signs, A-Frame Signs and T-Style Signs.

Projecting Sign Any Sign that is permanently affixed to a building, is supported only by the wall on which it is mounted and which projects out from the building. Projecting Signs include but are not limited to Awning Signs and Canopy Signs.

Residential Use Any lot on which the main use of the property is for a dwelling, as defined in Section 70-10 of this chapter. An accessory Non-Residential Use, an example being a home occupation, shall still be considered a Residential Use as it is accessory to the main use of the property as that of a dwelling.

Roof Sign A Permanent 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 allowed by this chapter, shall exclude Signs that are painted directly on the surface of a roof.

Sign Any material, structure or device, or part thereof, employing letters, words, symbols, pictures or similar displays that are used, intended or designed to communicate information. For the purpose of clarification, examples of items which do not satisfy the necessary elements of this definition include, but are not limited to, pavement markings, architectural elements incorporated

into the style or function of a building, and the display of merchandise for sale at the site of display.

Sign Area The area of a Sign shall be determined by measuring the area of the smallest regular geometric figure which encompasses all parts of the Sign Face. The supports or structure on which the Sign is supported shall not be included in determining Sign Area unless the supports or structure contain any lettering, wording or symbols or are designed in such a manner as to form an integral background of the display. 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 wording, color and design on each side are identical. Where the Sign consists of individual letters, designs or symbols attached to a wall, Awning, Canopy, Marquee or window, the area shall be that of the smallest geometric shape which encompasses all of the letters, designs and symbols.

Sign Face The portion of a Sign Structure bearing a message.

Sign Structure Any structure to which a Sign is affixed.

Temporary Sign A Sign constructed of cloth, canvas, vinyl, paper, plywood, fabric, corrugated plastic or other lightweight materials not well suited for durability or, if made of some other material, is neither designed or intended to be displayed for more than a limited or temporary period of time, and not permanently attached to a building or the ground.

T-Style Sign A type of Portable Sign consisting of one or two Sign Faces connected to a base, which may contain springs or a means of weighing the Sign down, that when viewed from the side resembles an upside down “T” shape.

Vehicle or Trailer Sign A Sign affixed to a vehicle or trailer in such a manner that the vehicle or trailer is used primarily as a stationary Sign and such Sign is not otherwise incidental to the vehicle’s or trailer’s primary use.

Wall Sign A Permanent Sign attached to a wall, or painted on or against a flat vertical surface of a structure, and which projects from the wall surface less than twelve inches at all points.

Window Sign Any Sign visible outside the window and attached to or within eighteen inches behind the surface of a window or door. Customary displays of merchandise or objects and materials without lettering behind a store window are not considered signs.

(c.) Sign Permits – Application, Review and Enforcement

A sign permit shall be required before a Permanent Sign is erected, installed, used, altered or relocated unless otherwise provided for in this Section.

1. 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 Section 70-189 of this Chapter.
2. The applicant shall provide sufficient information on the application to determine if the proposed Sign is allowed and in conformance with the zoning ordinance. The zoning

administrator may request additional information from the applicant in the event more information is needed to make such a determination.

3. The zoning administrator shall promptly process the sign permit application and shall approve, reject or notify the applicant of deficiencies in the application within thirty days of receiving the application. Applications that comply with all provisions of the zoning ordinance shall be approved. If an application is rejected for non-compliance with the zoning ordinance, the zoning administrator shall provide a list of reasons to the applicant in writing.
4. The zoning administrator shall maintain a permanent record of all sign permits issued.
5. Any discrepancies between the approved sign permit and the Sign as constructed may result in the halt of construction or sign removal, if so ordered by the zoning administrator. The sign permit may also be revoked.
6. 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 plans.
7. A sign permit shall expire and become null and void if the approved Sign is not erected within a period of twelve months from the date the permit was originally approved.

(d.) Sign Permit Not Required

The following Signs are allowed in any zoning district without a sign permit. The number and area allowed under this subsection shall not be included when calculating limitations on the number and area of Signs under other subsections:

1. Signs erected by a governmental body.
2. Official notices and advertisements posted or displayed by or under the direction of any public or court officer in the performance of their official or directed duties.
3. Any Sign required by law, and which is not oversized for such requirements.
4. Signs which are not visible from the edge of the lot on which they are located and are not visible from any public right-of-way.
5. The changing of messages on approved Signs, unless otherwise prohibited or a permit is otherwise required by this Section.
6. Window Signs.
7. Minor Signs, subject to the following restrictions per Location:

Maximum Number	Maximum Sign Area	Maximum Height
2 per street frontage	2 sq. ft. per Sign	6 ft.

8. Temporary Signs, subject to the following restrictions per Location. These Temporary Signs are in addition to the Temporary Signs allowed by subsections (d)(9), (d)(10), and (d)(11):

Total Sign Area	Maximum Height	Duration
24 sq. ft.	6 ft. for Residential Uses, 8 ft. for Non-Residential Uses	Residential Uses – 60 days, twice per year Non-Residential Uses – 60 consecutive or non- consecutive days per year

9. Additional Temporary Signs at a Location which is for sale or rent, subject to the following restrictions:

Maximum Number	Total Sign Area	Maximum Height	Duration
On-site - 1 per street frontage of the lot. Off-premises – 2, subject to permission from the property owner upon whose lot the Sign is located.	On-site - 12 sq. ft., however, may be 40 sq. ft. when such Signs are set back at least 50 ft. from front property line Off-premises – 2 sq. ft. per Sign	6 ft.	The Signs may remain posted until the sale or lease of the property

10. Additional Temporary Signs at a Location for which an active building permit has been issued, subject to the following restrictions:

Maximum Number	Total Sign Area	Maximum Height	Duration
2	24 sq. ft. for the first Sign and no larger than 8 sq. ft. for the second Sign	6 ft.	The Signs may remain until the building permit is no longer active or 24 months, whichever is less

11. Additional Temporary Signs at a Location for which a yard sale permit has been issued, subject to the following restrictions:

Maximum Number	Total Sign Area	Maximum Height	Duration
On-site – 2 Off-premises – 2, subject to permission from the property owner upon whose lot the Sign is located.	On-site - 24 sq. ft. Off-premises – 2 sq. ft. per Sign	6 ft.	On-site - The Signs shall be removed within 24 hours from the permit no longer being active Off-premises – Such Signs shall only be displayed during the approved time frame of the yard sale permit.

(e.) Prohibited Signs

In addition to Signs prohibited elsewhere in this Code or by applicable state or federal law, the following Signs are prohibited:

1. General prohibitions
 - A. Signs attached to trees or other natural vegetation.
 - B. Signs simulating, or which are likely to be confused with, a traffic control sign or any other Official Traffic Sign or signal. Any such Sign is subject to immediate removal and disposal by the Town as a nuisance.
 - C. Vehicle and Trailer Signs.
 - D. Beacon Lighting, unless otherwise approved as part of a temporary use permit in accordance with Section 70-136 and the applicant coordinates with New Market Airport and has a Notice to Airmen filed providing the dates and times in which Beacon Lighting will occur.
2. Prohibition based on materials
 - A. Signs painted directly on the surface of a roof.
 - B. Animated Signs, Flashing Signs or other Signs displaying flashing, scrolling, or intermittent lights or lights of changing degrees of intensity, unless otherwise provided for in this Section.
 - C. Inflatable Signs and Balloon Signs, unless displayed by non-residential uses in conformance with Section 70-152(d)8.
 - D. Any Sign, other than approved Banners or Feather Signs, 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.
 - E. Signs that emit sound, smoke, flame, scent, mist, aerosol, liquid or gas.
3. Prohibition based on location
 - A. Any Sign which is erected upon or over a public right-of-way or sidewalk, unless otherwise provided for in this Section.
 - B. Off-premises Signs, unless otherwise provided for in this Section.
 - C. Any Sign, except for Signs erected by a governmental body and Official Traffic Signs, 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 Official Traffic Signs, of any description.

- D. Awning, Canopy, Marquee or Projecting Signs with a minimum clearance of less than eight feet above a sidewalk or walkway, or less than fifteen feet above a driveway.

(f.) General Standards

1. The height of a Sign shall be the vertical distance from the ground to highest point on the Sign or its support structure. A berm built beneath the Sign shall not be counted as the “ground” for the purpose of calculating the height of a Sign.
2. The applicant shall provide exact calculations for the square footage of the Signs Area.
3. No Sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
4. No Sign shall obscure Official Traffic Signs.
5. 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. The beam width shall not be wider than that needed to light the Sign.
6. No Sign or Sign Structure shall be located in such a manner as to materially impede the view of any road intersection.
7. All Signs shall be constructed in compliance with the Virginia Uniform Statewide Building Code. All Illuminated Signs, Electronic Display Boards, and any other type of Sign using electricity shall comply with the National Electric Code.

(g.) Maintenance, repair and removal

1. All Signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition.
2. Any Permanent Sign which pertains to an activity, event, or business, shall be removed or replaced by a blank Sign Face or faces by the owner of the lot upon which the Sign is located when the activity, event, or business to which it pertains has been discontinued. Such removal shall occur within sixty days from the date that the activity, event, or business was discontinued.
3. Any Sign which poses an immediate or imminent hazard to life or property, in the judgment of the Zoning Administrator or Town Manager, either of whom may act, may be immediately removed or repaired. All costs associated with the removal or repair shall be charged to the owner of the lot.
4. 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.

5. The Zoning Administrator may order the removal of any Sign which is erected or maintained in violation of this Section. Unless the Sign poses an immediate or imminent hazard to life or property, he shall give ten days written notice to the owner of such Sign or of the lot 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 criminal, civil, or other remedy prescribed by law with respect to violations of the provisions of this Chapter.

(h.) Nonconforming Signs

Any Sign or Sign Structure which was lawfully in existence at the time of the effective date of this Chapter which does not conform to the provisions herein, shall be deemed a Nonconforming Sign and may remain, except as qualified below, provided that they are kept in good repair:

1. No Nonconforming Sign or nonconforming Sign Structure shall be enlarged, moved, extended, or structurally reconstructed, unless the enlargement, extension, reconstruction, or moving will make the Sign a conforming Sign.
2. Nothing in this Section shall be deemed to prevent keeping in good repair a Nonconforming Sign or nonconforming Sign Structure. Nonconforming Signs shall not be extended or structurally reconstructed or altered in any manner, except that a Sign Face may be changed so long as the new Sign Face is equal to or reduced in height and/or Sign Area.
3. A Nonconforming Sign or nonconforming Sign Structure which is destroyed or damaged to the extent exceeding fifty percent of its Sign Area shall not be altered, replaced or reinstated unless it is in conformance with these sign regulations. If the damage or destruction is fifty percent or less of the Sign Area, the Sign may be restored within two years of the destruction, but shall not be enlarged in any way.
4. A Nonconforming Sign or Sign Structure shall be removed if the structure or use to which the Sign is accessory is destroyed or demolished to the extent exceeding fifty percent of the Structure's appraised value, as provided in Article XVI of this chapter.
5. A Nonconforming Sign or nonconforming Sign Structure shall be removed if the use to which it is accessory to has ceased operation for a period of two years or more. The owner of the lot upon which the Sign or Sign Structure is located shall remove the Sign or Sign Structure after notice is provided by the Zoning Administrator, providing the owner thirty days to remove it. If the owner fails to comply with the notice, the Zoning Administrator or his designee may enter the lot upon which the Sign or Sign Structure is located and remove any such Sign or Sign Structure or may initiate such legal action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the lot.
6. A Nonconforming Sign which is changed to a conforming Sign or is replaced by a conforming Sign, shall no longer be deemed to be nonconforming, but shall still be in accordance with the provisions of this Section.

(i.) Temporary Off-Premises Signs

Temporary off-premises signs shall only be approved through the temporary use permit process, in accordance with this Section and Section 70-136, except as otherwise provided for in this

Section and Section 70-152(d). Such Signs shall not exceed four feet in height, six square feet in Sign Area and no more than two Signs may be approved for any use. 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. Signs that remain after the expiration of the permit shall be considered to be an obsolete Sign and may be removed in accordance with this Section.

(j.) Sign regulations by district and use

In addition to the Signs allowed in subsection (d.), the following Signs are allowed with an approved Sign permit, provided that such Sign permit is issued before any Sign is erected, installed, used, altered, or relocated:

1. District X

The total area of all Signs on a Location in District X shall not exceed 100 square feet; provided that Signs erected or displayed on any building or buildings on such Locations shall conform to the requirements and restrictions of this Section.

(A.) Locations on which there is an Accessory Non-Residential Use

Sign Type	Maximum Number	Total Sign Area	Maximum Height	Minimum Setbacks
Wall or Freestanding	1 total	4 sq. ft.	6 ft., if the Sign is Freestanding	5 ft. from front lot line, 10 ft. from side lot lines

(B.) Locations on which there is a Non-Residential Use

Sign Type	Freestanding
Maximum Number	1
Sign Area – Total Per Category	24 sq. ft.
Sign Area – Individual Sign Per Category	24 sq. ft.
Maximum Height	6 ft.
Minimum Setbacks	10 ft. from front and side lot lines

2. R-1 District

The total area of all Signs on a Location in the R-1 District shall not exceed 100 square feet; provided that Signs erected or displayed on any building or buildings on such Locations shall conform to the requirements and restrictions of this Section.

(A.) Locations on which there is an Accessory Non-Residential Use

Sign Type	Maximum Number	Total Sign Area	Maximum Height	Minimum Setbacks
Wall or Freestanding	1 total	4 sq. ft.	6 ft., if the Sign is Freestanding	5 ft. from front lot line, 10 ft. from side lot line

(B.) Locations on which there is a Non-Residential Use

Of the three total Signs listed below, a Non-Residential Use shall be limited to constructing only two:

Sign Type	Freestanding	Wall
Maximum Number	2	1
Sign Area – Total Per Category	60 sq. ft.	24 sq. ft.
Sign Area – Individual Sign Per Category	40 sq. ft.	24 sq. ft.
Maximum Height	8 ft.	Below the eave
Minimum Setbacks	10 ft. from side lot lines and 5 ft. from front lot line	
Illumination	Yes	Yes
Other	May include a Changeable Copy Sign or Electronic Display Board. However, such elements shall not exceed 24 sq. ft.	

(C.) At residential subdivision entrances, one Freestanding Sign, provided that the Sign Area of the Sign does not exceed twenty-four square feet, the Sign is set back a minimum of ten feet from any road, and the Sign otherwise conforms to the standards and requirements of this Section. Such Signs shall not be included when calculating limitations on the number and area of Signs at the Location.

2. R-2 District and R-3 District

The total area of all Signs on a Location in the R-2 District or R-3 District shall not exceed 150 square feet; provided that Signs erected or displayed on any building or buildings on such Locations shall conform to the requirements and restrictions of this Section.

(A.) Locations on which there is an Accessory Non-Residential Use

Sign Type	Maximum Number	Total Sign Area	Maximum Height	Minimum Setbacks
Wall or Freestanding	1 total	4 sq. ft.	6 ft., if the Sign is Freestanding	5 ft. from front lot line, 10 ft. from side lot line

(B.) Locations on which there is a Non-Residential Use

Of the three total Signs listed below, a Non-Residential Use shall be limited to constructing only two:

Sign Type	Freestanding	Wall
Maximum Number	2	1
Sign Area – Total Per Category	48 sq. ft.	24 sq. ft.
Sign Area – Individual Sign Per Category	32 sq. ft.	24 sq. ft.
Maximum Height	8 ft.	Below the eave
Minimum Setbacks	5 ft. from front lot line and 10 ft. from side lot lines	
Illumination	Yes	Yes
Other	May include a Changeable Copy Sign or Electronic Display Board. However, such elements shall not exceed 32 sq. ft.	

(C.) At residential subdivision and apartment entrances, one Freestanding Sign, provided that the Sign Area of the Sign does not exceed twenty-four square feet, the Sign is set back a minimum of ten feet from any road, and the Sign otherwise conforms to the standards and requirements of this Section. Such Signs shall not be included when calculating limitations on the number and area of Signs at the Location.

4. R-2A District

The total area of all Signs on a Location in the R-2A District shall not exceed 150 square feet; provided that Signs erected or displayed on any building or buildings on such Locations shall conform to the requirements and restrictions of this Section.

(A.) Locations on which there is an Accessory Non-Residential Use

Sign Type	Maximum Number	Total Sign Area	Maximum Height	Minimum Setbacks
Wall or Freestanding	1 total	4 sq. ft.	6 ft., if the Sign is Freestanding	5 ft. from front lot line, 10 ft. from side lot line

(B.) Locations on which there is a Non-Residential Use

Sign Type	Freestanding	Wall*	Projecting*	Portable
Maximum Number	2	N/A	N/A	1
Sign Area – Total Per Category	48 sq. ft.	40 sq. ft.	15 sq. ft.	12 sq. ft.
Sign Area –	24 sq. ft.	20 sq. ft.	15 sq. ft.	12 sq. ft. – Feather

Individual Sign Per Category				Sign 6 sq. ft. – A-Frame/ T-Style Sign
Maximum Height	8 ft.	Below the eave	Minimum of 8 ft. from the bottom of the Sign to the top of the sidewalk	10 ft. – Feather Sign 4 ft. – A-Frame/ T-Style Sign
Minimum Setbacks	5 ft. from front lot line and 10 ft. from side lot lines	N/A	2 ft. from curb	2 ft. from curb
Illumination	Yes	Yes	Yes	No
Other	May include Changeable Copy Sign or Electronic Display Board. However, such elements shall not exceed 24 sq. ft.			A minimum of 4 ft. shall be provided on the public sidewalk, adjacent to the subject property, for pedestrians. Shall only be displayed during open hours. A-Frame/T-Style Sign may include Changeable Copy elements. Portable Signs shall not be included when calculating limitations on the number and area of Signs.

*The total combined square footage for Wall Signs and Projecting Signs shall not exceed 40 square feet.

(C.) At residential subdivision and apartment entrances, one Freestanding Sign, provided that the Sign Area of the Sign does not exceed twenty-four square feet, the Sign is set back a minimum of ten feet from any road, and the Sign otherwise conforms to the standards and requirements of this Section. Such Signs shall not be included when calculating limitations on the number and area of Signs at the Location.

5. Planned Development Districts

Applicants submitting a petition for a 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.

6. B-1 District

The total area of all Signs on a Location in the B-1 District shall not exceed 200 square feet; provided that Signs erected or displayed on any building or buildings on such Locations shall conform to the requirements and restrictions of this Section.

(A.) Locations on which there is an Accessory Non-Residential Use

Sign Type	Maximum Number	Total Sign Area	Maximum Height	Minimum Setbacks
Wall or Freestanding	1 total	4 sq. ft.	6 ft., if the Sign is Freestanding	5 ft. from front lot line, 10 ft. from side lot line

(B.) Locations on which there is a Non-Residential Use

Sign Type	Freestanding*	Wall	Projecting	Portable
Maximum Number	2	N/A	N/A	1 per street frontage
Sign Area – Total Per Category	150 sq. ft.	2 sq. ft. per 1 linear foot of building width facing a street, alley or parking area	15 sq. ft.	24 sq. ft.
Sign Area – Individual Sign Per Category	75 sq. ft.	No limit aside from the total per category	15 sq. ft.	12 sq. ft. – Feather Sign 6 sq. ft. – A-Frame/T-Style Sign
Maximum Height	25 ft.	Below the eave	Sign shall be kept within 20 ft. above sidewalk/grade and shall maintain at least 8 ft. of clearance between the bottom of the Sign and the top of the sidewalk/grade.	10 ft. – Feather Sign 4 ft. – A-Frame/T-Style
Minimum Setbacks	Shall not project beyond any property line		2 ft. from curb	2 ft. from curb
Illumination	Yes	Yes	Yes	None

Other	May include Changeable Copy Sign or Electronic Display Board. However, such elements shall not exceed 24 sq. ft.			A minimum of 4 ft. shall be provided on the public sidewalk adjacent to the subject property for pedestrians. A-Frame/T-Style may include Changeable Copy elements. Portable Signs shall not be included when calculating limitations on the number and area of Signs.
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*Non-Residential Uses that include a drive-thru window shall be allowed a third Freestanding Sign. Such Sign shall not exceed forty-two square feet in area, eight feet six inches in height and shall be installed immediately adjacent to and on the left side of the drive-thru lane. This Sign shall not be included in the total allowable Sign Area for the premises.

*Non-Residential Uses that include a freestanding canopy shall be allowed fifteen square feet of Sign Area per Sign Face. Such freestanding canopy Signs shall not exceed 30 ft. in height and may be internally lit. These Signs shall be included in the total allowable Sign Area for the premises but shall not count against the number or square footage of any other sign type listed in this Section.

7. B-2 District

The total area of all Signs on a Location in the B-2 District shall not exceed 250 square feet; provided that Signs erected or displayed on any building or buildings on such Locations shall conform to the requirements and restrictions of this Section.

(A.) Locations on which there is a Non-Residential Use

Sign Type	Freestanding*	Wall	Projecting	Roof	Portable
Maximum Number	2	N/A	N/A	1	1 per street frontage
Sign Area – Total Per Category	200 sq. ft.	2 sq. ft. per 1 linear foot of building width facing a street, alley or parking	15 sq. ft.	100 sq. ft.	24 sq. ft.

		area			
Sign Area – Individual Sign Per Category	100 sq. ft.	No limit aside from the total per category	15 sq. ft.	100 sq. ft.	12 sq. ft. – Feather Sign 6 sq. ft. – A-Frame/T-Style Sign
Maximum Height	30 ft.	Below the eave.	Sign shall be kept within 20 ft. above sidewalk/grade and shall maintain at least 8 ft. of clearance between the bottom of the Sign and the top of the sidewalk/grade.	Shall not extend more than 15 ft. above the roof level at the point where it is erected.	10 ft. – Feather Sign 4 ft. – A-Frame/T-Style
Minimum Setbacks	Shall not project beyond any property line.		2 ft. from curb	Shall not project beyond any property line.	2 ft. from curb
Illumination	Yes	Yes	Yes	Yes	None
Other	May include Changeable Copy Sign or Electronic Display Board. However, such elements shall not exceed 24 sq. ft.				A minimum of 4 ft. shall be provided on the public sidewalk adjacent to the subject property for pedestrians. A-Frame/T-Style may include Changeable Copy elements. Portable Signs shall not be included when calculating limitations on the number and area of Signs.

*Non-Residential Uses that include a drive-thru window shall be allowed a third Freestanding Sign. Such Sign shall not exceed forty-two square feet in area, eight feet six inches in height and shall be installed immediately adjacent to and on the left side of the drive-thru lane. This Sign shall not be included in the total allowable Sign Area for the premises.

*Non-Residential Uses that include a freestanding canopy shall be allowed fifteen square feet of Sign Area per Sign Face. Such freestanding canopy Signs shall not exceed 30 ft. in height and may be internally lit. These Signs shall be included in the total allowable Sign Area for the premises but shall not count against the number or square footage of any other sign type listed in this Section.

8. M-1 District

All Signs that are permitted for Non-Residential Uses in the B-1 District shall be permitted in the M-1 District. All provisions for such Signs as set forth in this Section shall be applicable.

9. 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 Floodplain Conservation District; except that, in addition to all applicable criteria within these Sign regulations, any Sign which is proposed to be erected within the Floodplain 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.

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