



## Sec. 13.2. Space requirements for off-street parking.

In the case of a fraction, the number of required off-street parking spaces shall be rounded off to the nearest whole number.

### 13.2-1. Residential dwelling. Two spaces per dwelling unit.

13.2-2. Place of worship. The number of spaces to be prescribed by the zoning administrator.

13.2-3. Community education, visitor or information center. The number of spaces to be prescribed by the zoning administrator.

13.2-4. Community and group assembly. The number of spaces to be prescribed by the zoning administrator.

13.2-5. Library, public park, playground, or utility facility. The number of spaces to be prescribed by the zoning administrator.

13.2-6. Commercial use. One off-street parking space shall be provided for the specified number of square feet of gross floor area for the following activities:

Activity	Gross Floor Area (Square Feet)
Retail Sales, Convenience Sales and Service	150
Professional Office	150
Animal Care	150
General Personal Service	300
Financial Institution	400
Automotive Repair and Cleaning Vehicular, Craft and Related Equipment Sales, Rental and Service	500
Construction Sales and Service	1,000
Wholesale Sales	1,000
Transportation	5,000
Warehousing	10,000

[13.2-7. Reserved.]

13.2-8. Mortuary service. One space per 1,000 square feet of gross floor area, and when a chapel is provided, one space for every four permanent seats plus one space for every 25 square feet of floor area where temporary seats are used, whichever requires the greater number of spaces.

13.2-9. Transient habitation. One space for each unit bedroom that is advertised as available for rental in a building serving transient guests with a minimum of two spaces for two or more bedrooms. For example, if the rental is advertised to provide five bedrooms, then a minimum of two parking spaces must be provided.

13.2-10. Industrial use. One space shall be provided for every 1,500 square feet of gross floor area or one space for every three employees during a single shift or two successive shifts, whichever requires the greater number of spaces.

### **Sec. 13.3. Additional regulations for off-street parking.**

13.3-1. Building containing two or more uses. When a building or lot contains two or more uses having different parking requirements, the parking requirements for each type of use shall apply to the extent of that use.

13.3-2. Operation of off-street parking spaces. Off-street spaces shall be designed and operated exclusively for the parking of motor vehicles used by the visitors, occupants, employees, patrons or customers of the use associated with the parking facilities.

13.3-3. Area of off-street parking spaces. Each off-street parking space, open or enclosed, shall be a minimum of eight feet wide and 18 feet long exclusive of drives, ramps, and aisles.

13.3-4. Off-site parking requirements. Off-street parking must be on the same lot as the principal use except where there is no way to arrange the spaces on the same lot as the principal use provided that:

- a. The spaces are located to draw a minimum of vehicular traffic to and through streets having predominately residential frontage;
- b. The spaces are located no further than 200 feet from the nearest boundary of the lot occupied by facility to which the spaces are accessory;
- c. The spaces are in the same fee simple ownership as the use to which the spaces are accessory; and
- d. The spaces conform to all applicable district regulations of both the district in which the principal use is located and in the district in which the spaces are located. In the event of conflict between the applicable district regulations, the most restrictive shall prevail.

### **Sec. 13.4. Design of off-street parking spaces.**

13.4-1. Location of access to the street. The entrances and exits of all required or permitted accessory off-street parking facilities with five or more spaces shall be located as far as possible from the intersection of any two streets.

13.4-2. Surfacing. All off-street parking areas shall be surfaced with asphalt, concrete or other hard- surfaced material and so constructed to provide for adequate drainage and prevent the release of dust.

13.4-3. Screening. Open off-street parking areas with five or more parking spaces which are located on a lot adjacent to the boundary of a residential district shall be screened from the residential district by either:

- a. A strip at least four feet wide, densely planted with shrubs or trees at least four feet high at the time of planting, and which are of a type which may be expected to form a year-round dense screen at least eight feet high within three years; or
- b. A wall or barrier or uniformly painted fence of fire-resistant material at least eight feet in height. Such wall, barrier, or fence may be opaque or perforated provided that not more than 50 percent of the fence is open.

In addition, such screening:

- a. Shall be maintained in good condition at all times;

- b. Shall not be placed within five feet of the normal vehicular entrances and exits;
- c. Shall have no signs hung or attached thereto; and
- d. Shall not obstruct visibility of motorists at street intersections.

...

## **ARTICLE 15. PROVISIONS GOVERNING NONCONFORMING USES**

### **Sec. 15.1. Statement of purpose.**

In order to guide the development of compatible land use patterns in the town, nonconforming uses which adversely affect the development of such areas must be subject to certain limitations. The provisions of this article are designed to provide a gradual remedy for existing undesirable conditions which result from incompatible nonconforming uses. While such uses are generally permitted to continue, the provisions are designed to discourage further investment in or continuance of these uses.

### **Sec. 15.2. Applicability.**

The provisions of this article apply to all uses, signs, buildings and structures which are not permitted within the districts in which they are located. Any nonconforming use or structure which existed lawfully at the time of enactment of this ordinance, or any use which shall become nonconforming upon enactment of this ordinance and subsequent amendments, may be continued subject to the provisions of this article. For the purpose of this ordinance, a change in use is a change in the type of activity, however, a change in occupancy or ownership shall not, by itself, constitute a change of use.

### **Sec. 15.3. Change of nonconforming use to conforming use.**

A nonconforming use may be changed to any conforming use. However, all applicable regulations and accessory off-street parking requirements shall apply to such change.

### **Sec. 15.4. Change of nonconforming use to nonconforming use.**

In all districts, a nonconforming use, building or structure may not be changed to another nonconforming use, building or structure.

### **Sec. 15.5. Discontinuance.**

No nonconforming use, structure, use of land or sign shall be reestablished after discontinuance of one year.

### **Sec. 15.6. Repairs, alterations and expansion of nonconforming structure or use.**

15.6-1. Incidental alterations. Incidental alterations as defined by this ordinance may be made to a building or structure occupied by a nonconforming use.

15.6-2. Alterations other than incidental alterations. No alterations other than incidental alterations shall be made to a building or other structure occupied by a nonconforming use except when made:

- a. In order to comply with requirements of law regarding fire protection, safety of structure, etc.
- b. In order to conform to the applicable district regulations.

15.6-3. Repair of nonconforming use. No nonconforming structure or structure used for a nonconforming use shall be rebuilt or repaired after damage exceeding 75 percent of replacement cost unless the use and structure conform to the other provisions of this ordinance.

15.6-4. Expansion of nonconforming use. No structure used for a nonconforming use shall be expanded except in conformity with this ordinance. The nonconforming use of land, not involving a building or structure, or involving a use or structure which is incidental or accessory to the principal use of the land, shall not be expanded beyond the area it occupies.

15.6-5. Conditional use permit. Nonconforming manufactured homes in place at the time of the enactment of this ordinance may be replaced by conditional use permit provided the new unit meets applicable department of housing and community development regulations and the Virginia Uniform Statewide Building Code and is no more than five years old.

### **Sec. 15.7. Nonconforming signs.**

(See section 14.6.)

### **Sec. 15.8. Existing structures in floodplain districts.**

A structure or use of a structure or premises which lawfully existed before the enactment of these provisions, but which is not in conformity with these provisions may be continued subject to the following conditions:

- a. Existing structures located in the floodway district shall not be expanded or enlarged unless certification (with supporting technical data) by a registered engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrences of the base flood discharge, which have been approved by all appropriate local and/or state authorities, as required in article 7A.
- b. Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain district, to an extent or amount of less than or equal to 50 percent of its market value, shall be elevated and/or floodproofed to the greatest extent possible.

The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a floodplain district, to an extent or amount of 50 percent or more of its market value, shall be undertaken only in full compliance with the provisions of the Virginia Uniform Statewide Building Code and the National Flood Insurance Program.

- c. Uses of appurtenant or accessory structures thereof which are, or become, nuisances shall not be permitted to continue.

### **15.9. Transient/semi-transient habitation in the R-1, R-2 and R-3 district.**

Effective as of DATE, the Town ordinance was revised to no longer allow transient and semi-transient habitation in the R-1, R-2, and R-3 districts upon issuance of a conditional use permit. However, where such use was established prior to DATE, it shall be governed by Article 15 provisions governing nonconforming uses. Additionally, the following regulations shall apply to transient and semi-transient habitation in the R-1, R-2, and R-3 to the extent they continue as pre-existing non-conforming uses.

- a. No adverse effect. The location, site, and design of such facilities shall be in keeping with the character of the surrounding area, and shall not have an adverse effect on properties within the surrounding area. The activity shall not create any additional noise, vibration, dust, fumes, odors, glare, other than those normally expected in a residential district.

b. Off street parking. Transient and semi-transient uses that continue to operate as non-conforming uses shall maintain no fewer off-street parking than required by the applicable conditional use permit or, if not specified, then no fewer than the number of off-street parking spaces in existence as of DATE.

## **ARTICLE 16. CONDITIONAL USE PROVISIONS**

### **16.5-3. Transient/semi-transient habitation in the R-1, R-2 and R-3 district.**

~~Transient and semi-transient habitation may be permitted only as a conditional use in accordance with Article 8, Use Regulations. Effective as of DATE, the Town ordinance was revised to no longer allow transient and semi-transient habitation as a use in the R-1, R-2, and R-3 districts upon issuance of a conditional use permit. However, where such use was established prior to DATE, it shall be governed by Article 15 provisions governing nonconforming uses.~~

~~a. No adverse effect. The location, site, and design of such facilities shall be in keeping with the character of the surrounding area, and shall not have an adverse effect on properties within the surrounding area. The activity shall not create any additional noise, vibration, dust, fumes, odors, glare, other than those normally expected in a residential district.~~

~~b. Planning commission review. The planning commission shall review and may approve site plans for any new facility to be constructed or any existing facility to be converted for this conditional use prior to the issuance of a conditional use permit.~~

~~c. Off street parking. One space for each unit in a building serving transient guests.~~

~~d. General conditions. Proposed uses shall conform to the general bulk, yard, and site~~

- Ms. Coleman made a motion to direct the Town Manager to schedule a joint Public Hearing with the Planning Commission on Monday September 9, 2024, at 6pm, on the amended zoning ordinance as presented, with the exception that there could be some further revisions to Section 13.2-9, and with an addendum to authorize the Town Manager and Legal Counsel to work on amending the mandatory parking requirements for transient lodging establishments. Mr. Kemmerlin 2<sup>nd</sup> the motion, which passed (5-0).
- Ms. Coleman made a motion to adjourn, 2<sup>nd</sup> by Mr. McCrady. The motion passed (5-0).

---

Katie Lamb, Mayor

---

Tuesday Pope, Clerk