

PART II - CODE OF ORDINANCES
Chapter 18 - ZONING AND SUBDIVISION ORDINANCE
ARTICLE 4B. DEVELOPMENT 4B STANDARDS - MULTI-UNIT ATTACHED RESIDENTIAL USES

**ARTICLE 4B. DEVELOPMENT 4B STANDARDS - MULTI-UNIT ATTACHED
RESIDENTIAL USES**

DIVISION 1. GENERAL PROVISIONS

Sec. 18-451. Purpose.

The standards in this Article 4B apply generally to all new construction, additions, and alterations in the RMU zone. Standards for principal structures relative to maximum permitted heights and required setbacks may be found in Article 2.

Sec. 18-452. Frontage Improvements.

1. The developer of any lot shall dedicate land along the lot frontage for sidewalk, curb, and gutter improvements as shown on the adopted Town Pedestrian Plan. Dedication of such improvements shall be in accordance with the standards set forth in this Chapter.
2. The developer of any lot that fronts an existing street shall dedicate land, construct a sidewalk, and connect said sidewalk to the existing adjacent sidewalks, if any. Such new sidewalk shall be constructed in accordance with the standards set forth in the Public Facilities Manual.
3. Upon application by the developer to the Town, the Town Council designates the Director of Public Works to waive, in exceptional circumstances, in consultation with the Town Attorney and Town Manager, in his or her discretion, the construction of such new sidewalk and permit the deposit of designated funds for such construction.

Sec. 18-453. Architectural Review.

RMU-zoned parcels are designated as Architectural Control Districts, and are subject to the review criteria of Chapter 4 - Architectural Design Control.

1. All Facades, roofs, external materials, accessory structures, landscaping, hardscaping, and lighting shall be submitted for architectural design review.
2. Private decks, fences, and patios shall not be considered structures for the purpose of architectural review for RMU-zoned parcels.
3. Not more than two (2) abutting dwelling units and not more than one-third of any abutting series of dwelling units shall have the same architectural design or treatment of materials.

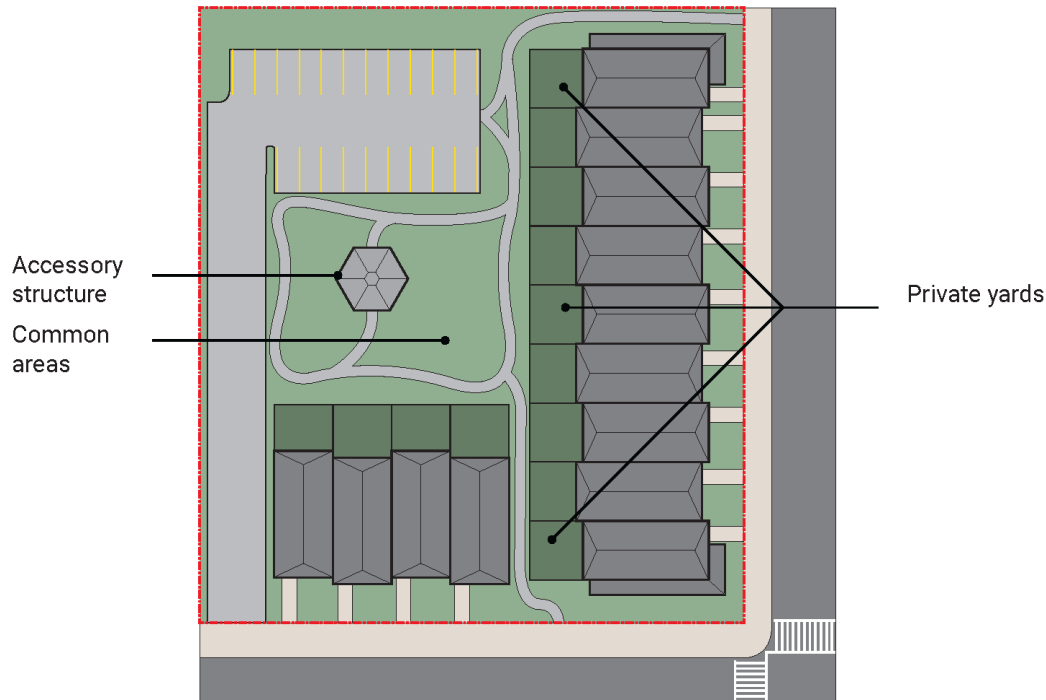
DIVISION 2. ACCESSORY STRUCTURES AND AMENITIES

Sec. 18-454. Accessory Structures - Generally.

1. Accessory structures are allowed only in connection with, incidental to, and on the same lot with a principal use or structure that is permitted.

2. No accessory structure shall be located within any platted or recorded easement, except as expressly agreed to in writing by the easement owner. The applicant who is submitting for a building permit to construct an accessory structure shall be responsible for correctly identifying any easements and the ownership of those easements on the site plan.
3. No accessory structure may be used for dwelling purposes.

FIGURE 4B.1. Example delineation between common areas and private yards in multi-unit residential development.



Sec. 18-455. Accessory Structures - Private Yards.

1. Accessory structures located on private lots in the RMU zone may include the following:
 - A. Sheds and similar storage structures.
 - B. Green houses.
 - C. Gazebos and similar structures.
 - D. Other similar structures as determined acceptable by the Zoning Administrator.
2. Accessory structures in private yards shall be no greater than seven (7) feet in height and no greater than sixty-four (64) square feet in area. See Article 2, § 18-212.1.D for measurement of accessory structures.
3. Accessory structures shall be located in the rear yard only.
4. Accessory structures must meet the following setbacks in private yards:
 - A. Five (5) feet from the nearest structure.

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- B. One (1) foot from the rear or side lot lines.
5. Accessory structures shall be screened from all adjacent properties by a solid ornamental screening type fence, solid brick wall, or ornamental masonry wall six (6) feet in height.

Sec. 18-456. Accessory Structures - Common Areas.

1. Accessory structures in common spaces on RMU zoned lots may include the following:
 - A. Sheds and similar storage structures;
 - B. Green houses;
 - C. Gazebos and similar structures;
 - D. Pool houses;
 - E. Community buildings; and
 - F. Other similar structures as determined acceptable by the Zoning Administrator.
2. Accessory structures in common areas must be identified on an approved site plan.
3. The required setbacks for accessory structures in common areas are based on the following criteria, multiple criteria may apply:

Criteria	Setback
Pool houses, community buildings, storage structures, other enclosed structures, fourteen (14) feet in height or less	Ten (10) feet from other structures Ten (10) feet from interior side yard or rear yard Thirty-five (35) feet from front yard or corner side yard
Gazebos, shade structures, outdoor recreation facilities, other open structures, fourteen (14) feet in height or less	Ten (10) feet from other structures Twenty-five (25) feet from line interior side yard or rear yard Thirty-five (35) feet from front yard or corner side yard
All Accessory structures greater than fourteen (14) feet in height	Thirty-five (35) feet from all property lines

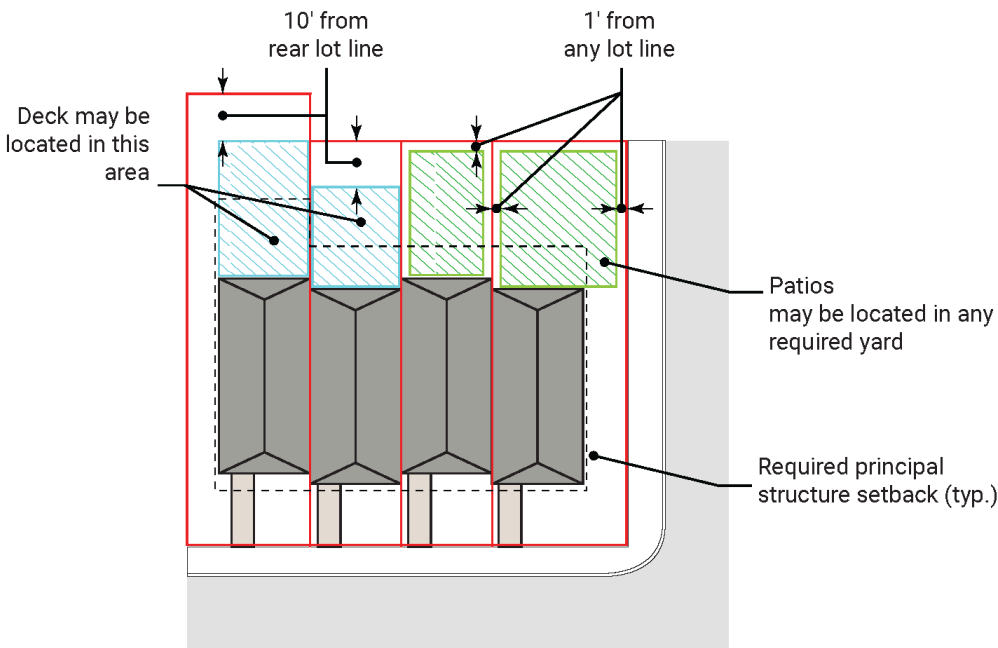
5. See Article 2, § 18-212.1.D for measurement of accessory structures.

Sec. 18-457. Decks and Patios - Private Yards.

The following standards apply to private yards exclusively related to and located on the same lot as duplexes, townhouses, and cottages courts in a RMU zone:

1. Private decks and patios are permitted in private yards.
2. Decks must be located in the rear of the structure, as determined by the architectural frontage.
3. Patios may be located in any required yard.
4. Setbacks:
 - A. Uncovered decks may encroach into the required rear yard by up to ten (10) feet and any other required yard by up to four (4) feet. See Article 2.
 - B. Patios must be set back at least one (1) foot from all sides of required yards.

FIGURE 4B.2. Deck and patio setbacks in private yards in multi-unit residential development.



Sec. 18-458. Decks and Patios - Common Areas.

The following standards apply to common areas of all housing types in a RMU zone:


1. Patios are permitted in common areas and required open spaces, see § 18-459, Open Space and Amenities.
2. Decks are permitted in common open spaces when associated with an accessory structure.
3. Decks and patios must be identified on the approved site plan.
4. Setbacks:
 - A. Patios shall be set back at least fifteen (15) feet from all property lines.
 - B. Decks may encroach into the required rear yard up to ten (10) feet. All other setbacks must follow the same as the principal structures. See Article 2, § 18-212.

Sec. 18-459. Open Space and Amenities.

1. Common open space, including any required screening, shall be conveyed to a non-profit corporation, organized and operated under the laws of the Commonwealth of Virginia.
 - A. The applicant shall present, with the site plan, a copy of the articles of incorporation of such corporation, its bylaws and an adequately financed plan with effectuating agreements and covenants acceptable to the Town assuring the development and maintenance of the common open space.
 - B. The membership of such nonprofit corporation shall consist of all the individual lot owners of the development.

2. The following describes and depicts acceptable types of open space for development. These types of open space may be combined:

<p>1. Open Lawn Area. Open lawn areas are informal areas for passive use bounded by roads or front facing lots. Tree plantings can be informal and the topography irregular. Greens may be used to preserve specimen trees.</p>		<p>FIGURE 4B.3. Example open lawn area.</p>
<p>2. Playgrounds. Playgrounds shall be designed with commercial grade play equipment. Playgrounds must meet all federal, state, and local regulations and be compliant with the Americans with Disabilities Act, 1990.</p>		<p>FIGURE 4B.4. Example playground.</p>
<p>3. Gazebos and Other Shade Structures. Freestanding structures which are covered by a roof and open air on all four sides.</p>		<p>FIGURE 4B.5. Example gazebo.</p>
<p>4. Common Area/Courtyard. An open space that may be improved and landscaped and is usually surrounded by streets and buildings.</p>		<p>FIGURE 4B.6. Example courtyard.</p>
<p>5. Hardscaping and Landscaping. Hard surface areas located on the ground that consist of pavers, stone, or other natural materials, along with fountains, and mixed with landscape materials, such as shrubs, trees, and grasses.</p>		<p>FIGURE 4B.7. Example hardscaping and landscaping.</p>
<p>6. Outdoor Recreational Facilities. An area designed and equipped for the conducting of sports and leisure-time activities, such as pools and sport courts</p>		<p>FIGURE 4B.8. Example outdoor recreation facility.</p>

<p>7. Pet Areas. An area designed for pets to exercise and play off leash in a controlled environment under the supervision of their owners.</p>		<p>FIGURE 4B.9. Example pet area.</p>
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Sec. 18-460. Swimming Pools and Outdoor Hot Tubs.

See Chapter 19, Swimming Pools for standards and required permits.

Sec. 18-461. Satellite Antennae.

1. Location, number and size.

- A. Only one satellite antenna, which may not exceed fourteen (14) feet in diameter, may be erected or installed on any one building lot in the Town regardless of the zone in which it is located.
- B. Any such antenna shall be located only in the rear yard of such lot no closer than fifteen (15) feet to any side or rear lot line nor less than ten (10) feet from the rear of a principal building; provided, however, that in lieu of any such antenna in a rear yard, one (1) satellite antenna four (4) feet or less in diameter may be suitably mounted to the roof area of a building.
- C. **Corner Lot.** No satellite antenna on any corner lot shall be erected forward of the building line of any adjoining lot nor closer than fifteen (15) feet to the side of such adjoining lot.
- D. **Height limitation.** No satellite antennae mounted in any such yard shall exceed eighteen (18) feet measured vertically from the highest point of the signal receiving apparatus, when positioned for operation, to the bottom of the base which supports the satellite antenna, except any antenna which pursuant to this section may be located and suitably mounted to the roof of a building.

2. Mounting and Screening.

- A. **Ground mounting.** All satellite antenna shall be ground-mounted pursuant to all requirements of the building code after securing the proper building permits, and shall be sufficiently secured to withstand a 100-year windstorm, with the exception of any such antenna four (4) feet or less in diameter, which is otherwise permitted by this section to be mounted to the roof area of a building.
- B. **Screening.** All ground-mounted satellite antenna over four (4) feet in diameter shall be screened from adjoining properties by a wooden or masonry fence of six (6) feet in height or by a living screen of evergreen plantings not less than five (5) feet in height at the time of planting, planted no more than five (5) feet on center and of a variety which will mature to a height of at least six (6) feet. All such fences or plantings shall be fully and properly maintained during such time as the antenna being screened shall remain in such location.

DIVISION 3. LANDSCAPE, SCREENING, FENCES, AND WALLS

Sec. 18-462. Minimum Tree Canopy Coverage.

See Chapter 17.

Sec. 18-463. Parking Lot Landscaping.

1. All parking lots shall include a landscaping strip along the entire perimeter of the parking lot of at least five (5) feet in width. The landscaping strip may include breaks for bicycle, pedestrian, and vehicle access, and shall include the following:
 - i. One (1) canopy or understory tree per thirty-five (35) feet of linear footage; and
 - ii. Three (3) large shrubs, which are of a type that are able to reach at least three (3) feet in height within three (3) years of planting, per twenty-five (25) feet of linear footage.
2. One (1) interior landscaping island shall be provided for every ten (10) parking spaces. If a lot has multiple interior landscaping islands, the interior landscaping islands must be evenly distributed throughout the parking lot.
3. Each interior landscaping island must consist of a minimum of two hundred (200) square feet, a minimum width of eight (8) feet, at least one (1) tree per 150 square feet of parking island area.
4. No parking space shall be more than seventy (70) feet away from the trunk of a shade or canopy tree.
5. Parking rows must have terminal islands located at both ends of each row.
6. Interior islands may be installed below the level of the parking lot surface to allow for the capture of stormwater runoff.

FIGURE 4B.10. Parking lot landscaping standards diagram.



Sec. 18-464. Landscape Buffer Between Zones.

1. **Required Planting Buffer.** The following table sets forth the required screening buffer width between properties:

PROPOSED USE	ABUTTING USE				
	Single Unit Detached (RS-10, RS-12.5, RS-16)	Duplexes, Townhouses, Cottage Courts, or Multi-Unit Attached (RMU)	Commercial or Mixed Use	Industrial	Public, Institutional, or Community Use
Duplexes, Cottage Courts, Townhouses, or Multi-Unit Attached (RMU)	Five (5) ft. min.	Zero (0) ft. min.	Ten (10) ft. min.	Ten (10) ft. min.	Five (5) ft. min.

- A. When a screening buffer is required, a combination of understory trees, canopy trees, and shrubs shall be included on the proposed development's site along the property line as follows:

Specifications	5 ft. Buffer	10 ft. Buffer
Canopy Trees (per 100 ft. along shared lot lines)	Not required	Three (3) min.
Understory Trees (per 100 ft. along shared lot lines)	Four (4) min.	Three (3) min.
Shrubs	Three (3) min.	Four (4) min.

- B. All plantings and trees must be permanently maintained in good growing condition and replaced with new plant materials, when necessary, to ensure continued compliance with applicable landscaping and/or buffer yard requirements.
2. **Wall Required Adjacent to Single-Unit Residential.**
- A. All land zoned RMU on which any multi-unit attached residential use is conducted shall be screened from all adjacent single-unit detached residential zones.
- B. Required screening shall be a six (6) foot tall masonry wall constructed of brick or other ornamental masonry of equal acceptable aesthetic quality along the boundary adjacent to the less intensive use.
- C. The minimum six (6) foot height shall be measured from the grade level on the single-unit residential side of the wall.
- D. If an alley or public utility easement in between land that would require a wall and residential property, the wall shall still be required.
3. **Modification of Wall Requirement.** The Town Council may waive or modify the requirement for any masonry wall or walls required by this section if, in the judgment of the Council, such wall or walls would not protect the residential property against loss of privacy, trespass by persons or vehicles, or intrusion of noise or trash, or other impacts attributable to activities conducted on the subject multi-unit attached residential lot. See § 18-830 for application information.

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4. **Required Maintenance of Buffer and Screening.** Required screening shall be maintained as shown on the approved site plan. Removal or replacement of screening, fences, and walls with a different material or design shall require an amendment of the site plan. See § 18-836 for application procedures.

Sec. 18-465. Fences.

1. Fence height standards shall be as follows:
 - A. Front Yard: Four (4) ft. max. (Note: See sight triangle § 18-467)
 - B. Interior Side Yard: Six (6) ft. max.
 - C. Corner Side Yard: Four (4) ft. max. (Note: See sight triangle § 18-467)
 - D. Rear Yard: Six (6) ft. max.
2. Fences on corner lots may not be greater than four (4) feet in height in the area between the extension of the neighbors' front building lines and the right-of-way.
3. Individual duplexes and townhomes may have fences to separate, and/or screen, designated private yards from common areas and open spaces.
4. Fences surrounding outdoor recreation uses and sport courts may be a maximum of twelve (12) feet in height.
5. All fences or screens shall have the finished side facing the street and the adjoining properties.
6. The use of barbed wire is not permitted.
7. Temporary fences for construction sites and tree protection are exempted from these standards but shall comply with the requirements of the Uniform Statewide Building Code.

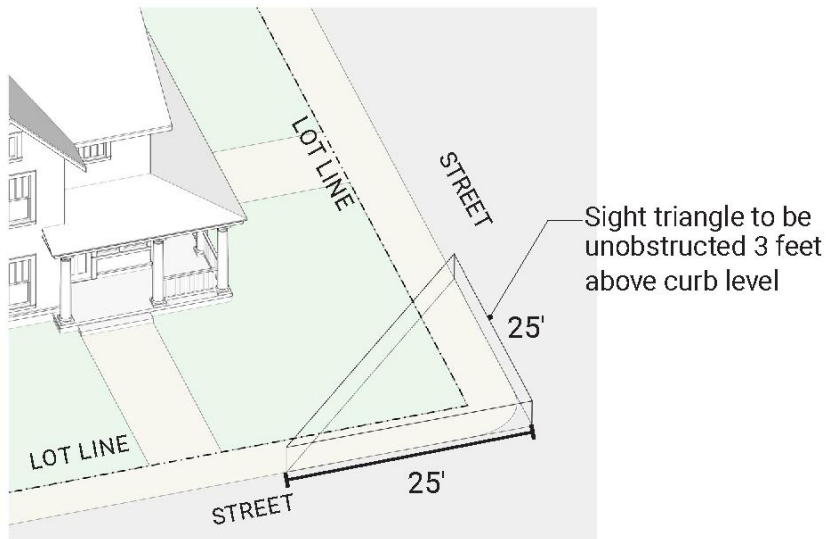
Sec. 18-466. Walls.

1. Decorative walls used to enclose private yards or common areas, and retaining walls must be shown on approved site plans and coordinated at the site development level. All retaining walls shall be shown on approved grading plans. See Article 8, § 18-836 for site plan application and procedure information.
2. Wall height and setback standards shall be as follows:
 - A. Walls located within sight triangle may not exceed three (3) feet in height. See sight triangle § 18-467.
 - B. Retaining walls of five (5) feet in height or greater must meet requirements for building setbacks.
 - C. Retaining walls greater than five (5) feet in height are not permitted within front or corner side yards.
 - D. Decorative walls shall follow the same height limits for fences.
 - E. Decorative walls of four (4) feet or greater must meet requirements for building setbacks.

Sec. 18-467. Sight Triangle.

On any corner lot there shall be no fences, walls, structure, planting, shrubbery, or obstruction to vision more than three feet above the curb level within twenty-five (25) feet of the intersection of any two street lines.

FIGURE 4B.11. Illustration of sight triangle at the intersection of two streets in a residential zone or district.



DIVISION 4. LIGHTING

Sec. 18-468. Purpose and Intent.

The purpose and intent of this division is to regulate exterior lighting to:

1. Provide security for persons and land;
2. Ensure all exterior lighting is designed and installed to maintain adequate light levels on site; and
3. Ensure that adjacent lands, neighboring areas, and motorists are protected from excessive light spillage and glare.

Sec. 18-469. Applicability.

1. **General.** Unless exempted in accordance with subsection 2 below, the standards in this division apply to:
 - A. All new development;
 - B. All new lighting fixtures and replacement fixtures; and
 - C. Any extension, enlargement, or reconstruction of a building, structure, or parking lot, but only regarding the extended, enlarged, or reconstructed portions of the building, structure, or parking lot.
2. **Exemptions.** The following exterior lighting is exempt from the regulations of this ordinance:
 - A. Lighting required and regulated by the Federal Aviation Administration, or any other authorized federal, state, or local government agency;
 - B. Emergency lighting used by police, fire, or medical personnel, or at their direction;
 - C. Lighting required by applicable building codes such as lighting for exit signs, stairs, and ramps, to the extent that such lighting is unable to comply with these standards;

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- D. Underwater lighting used for the illumination of swimming pools and fountains; and
 - E. Temporary holiday lighting displayed for a period not exceeding forty-five (45) consecutive days.
3. **Existing Non-conforming Lighting.** Outdoor lighting fixtures lawfully existing before the effective date of this Chapter (See § 18-108), that do not conform to the provisions of this section are deemed to be a lawful nonconforming use and may remain. Whenever a nonconforming lighting fixture is replaced, the new fixture must conform to the provisions of this section.
4. **Lighting Plan Required.**
- A. To ensure compliance with the standards of this section, a lighting plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of every development approval application that includes changes to or additions of lighting fixtures.
 - B. The Zoning Administrator may require evidence that the applicant is able to conform to the standards of this section. The Zoning Administrator may require the applicant to submit, at the expense of the applicant, reports or the certified results of tests with respect to any current or proposed operation of the use that is involved in relation to conformity to such standards, which reports or tests must be made by a competent laboratory or other agency.

Sec. 18-470. Prohibited Outdoor Lighting.

The following outdoor lighting is prohibited:

- 1. Lasers, searchlights, strobe lights, and blinking lights, excluding temporary holiday lighting;
- 2. Low-pressure sodium and mercury vapor light sources.

Sec. 18-471. General Outdoor Lighting Standards.

- 1. Exterior lighting must consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated and not to exceed the boundary of the property.
- 2. Only incandescent, LED, fluorescent, metal halide, or color-corrected high-pressure sodium lighting sources may be used. The same light source type shall be used for the same or similar types of lighting on any one site throughout any development.
- 3. Lighting on any property abutting a property that is zoned and developed for single-unit detached residential, vacant, or homeowner's association open space, including light poles located on top of any parking structure, must be equipped with supplemental opaque shielding on the residential property side of the lighting fixture to reduce glare caused by direct light source exposure.
- 4. Use of motion sensors is encouraged.

Sec. 18-472. Maximum Illumination Levels.

Maximum luminance levels shall not exceed one-half (0.5) foot-candles at the property boundary.

Sec. 18-473. Parking Lot Lighting.

Parking lot lighting shall comply with the following:

- 1. Parking lot lights shall be a maximum height of 10 feet.

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2. Parking lot lights may be located in any yard.
 3. Fixtures shall be mounted in such a manner that the cone of light is contained on-site and does not cross any property line.

Sec. 18-474. Pedestrian Level Lighting.

Pedestrian light fixtures shall comply with the following:

1. Light fixtures for sidewalks, walkways, trails, and bicycle paths, shall provide at least 1.2 foot-candles of illumination, but not exceed 2.0 foot-candles.
2. Pedestrian bollard lamps shall be mounted no higher than four (4) feet above grade.

DIVISION 5. PARKING AND LOADING

Sec. 18-475. Off-Street Parking Generally.

1. Required off-street parking for properties located in the RMU zone may be located in any of the following or a combination thereof:
 - A. On a private driveway;
 - B. In a private carport or garage; or
 - C. In a shared parking facility, including a surface lot or parking structure located on the same site as the principal structures.
2. Off-site parking agreements are not permitted for RMU-zoned properties.
3. Parking shall not overflow out of designated parking spaces into any sidewalks, landscaping, open space, streets, or required setbacks.
4. Accessible parking spaces shall be provided in off-street parking facilities as required by Americans with Disabilities Act of 1990 (ADA) Standards for Accessible Design.
5. Required parking for all principal and accessory uses must be maintained at all times, consistent with all site plans and permits.
6. Any request for Modification of Requirements applicable to parking areas and loading spaces must be approved by Council, after receiving recommendation from the Planning Commission. See Article 8, § 18-830 for application and procedures.

Sec. 18-476. Non-availability of Parking Area.

At any time that a required parking area shall cease to be available for such use, except as a result of government action, the occupancy or use permit for the principal use to which such parking area is appurtenant shall be revoked and declared null and void, until such time as other acceptable off-street parking space is provided.

Sec. 18-477. Parking Setbacks.

1. All automobile parking areas must be set back at least five (5) feet from side yard property lines.

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2. No private parking area or garage on a corner lot shall be constructed beyond the building line of any adjoining lot.

Sec. 18-478. Parking Standards - Private Driveways.

1. A width of at least twelve (12) feet shall be maintained for the length of any private driveway.
2. The width of the driveway shall meet the width of the garage opening for a minimum of eighteen (18) feet from the garage.

Sec. 18-479. Parking Standards - Shared Parking Lots.

1. Ingress and egress to a public street shall be provided by means of entrances and exits meeting these same specifications and maintaining a width of not less than twenty-five (25) feet nor more than thirty-five (35) feet at street right-of-way line.
2. All spaces in parking lots shall be provided with bumper guards, as deemed necessary by the Director of Public Works, in order to:
 - A. Protect buildings from vehicular bumpers,
 - B. Protect public sidewalks from overhanging bumpers,
 - C. Prevent vehicles from rolling down embankments or onto adjacent property, and
 - D. Provide protection against other hazards peculiar to the topography or site development of a particular parcel of ground.

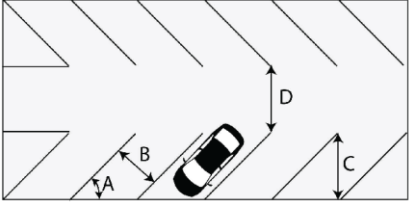
Sec. 18-480. Required Surface Treatment/Paving.

1. All driveway and parking areas shall be constructed of permanent materials, consisting of an asphalt, concrete, or grid paver surface which meets the specifications of the Town.
2. Other permeable surfaces that are permanent may be proposed, but are subject to the approval of the Zoning Administrator and the Director of Public Works.
3. Gravel or grass shall not be permitted surface treatments used for parking.

Sec. 18-481. Space Allocation for Parking and Measurement.

1. All garages or other permissible spaces allocated for the parking of vehicles within buildings or in basements or on the roofs of buildings, shall be considered part of the required off-street parking requirements.
2. When calculating the number of parking spaces required, any fraction greater than or equal to one-half (0.5) will be rounded up to the nearest whole number, and any fraction less than one-half (0.5) will be rounded down to the nearest whole number.
3. For purposes of computation under this Chapter, one compact automobile parking space shall be eight (8) feet wide by sixteen (16) feet long, as it relates to determining the number of off-street parking spaces provided on a driveway or in a garage. Other dimensions are provided in the table in § 18-481.4.
4. All off-street parking spaces and adjacent aisles provided in compliance with the requirements of this article shall conform to at least the following minimum dimensions:

Minimum Standard Parking Spaces and Aisle Width Dimensions

A. Parking Angle (degrees)	B. Stall Width (in feet)	C. Stall Length (in feet)	D. Aisle Width, One-way/Two-way (in feet)	
0 (parallel)	8	22	16/22	
45	9	19	16/20	
60	9	20	18/20	
90	9	18	23/23	A - Parking Angle B - Stall Width C - Stall Length D - Aisle Width

Sec. 18-482. Minimum Required Off-Street Parking.

A minimum number of parking spaces must be provided for each use in accordance with the following:

PROPOSED STRUCTURES	Minimum Required Off-street Parking Spaces	Notes/Additional Requirements
Two-Unit Attached Dwellings/Duplexes Cottage Courts Townhouses	Two (2) spaces per dwelling unit	Plus one (1) space per five (5) dwelling units for visitor parking
Multi-Unit Dwellings	Efficiency: One (1) space per dwelling unit One bedroom: One and one-half (1.5) spaces per dwelling unit Two or more bedrooms: Two (2) spaces per dwelling unit	Plus one (1) space per five (5) dwelling units for visitor parking

Sec. 18-483. Loading Area Requirements.

Loading areas shall meet the following standards:

1. **Minimum loading spaces required.**
 - A. One (1) loading space per fifty (50) dwelling units for multi-unit residential developments.
 - B. Loading spaces are not required for duplex, townhouse, or cottage court developments with fewer than fifty (50) units.
2. **Required dimensions of loading space.**
 - A. Minimum twenty-five (25) feet in depth;
 - B. Minimum fifteen (15) feet in width; and
 - C. Minimum fifteen (15) feet in height, if located within a building.
3. **Location.**
 - A. All required off-street loading spaces must be located on the same lot as the use served.
 - B. Loading spaces may not be located in a required front setback.

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4. When an existing structure or use is expanded, accessory off-street loading spaces must be provided in accordance with the minimum requirements for the entire structure or use, as expanded or enlarged.
 5. Required off-street loading areas may not be used to satisfy the space requirement for any off-street parking facilities.
 6. Loading areas must not interfere with the free circulation of vehicles in any off-street parking area.

Sec. 18-484. Bicycle Parking Requirements.

1. **Minimum bicycle parking spaces required.**
 - A. Short-term: One (1) space per ten (10) dwelling units.
 - B. Long-term: One (1) space for every two (2) dwelling units.
2. **Location.** Both short-term and long-term bicycle parking shall be located in visible, well-illuminated areas that do not impede or conflict with automobile, pedestrian, or bicycle traffic.
3. **Short-term bicycle parking** shall comply with the following:
 - A. Short-term racks shall include inverted "U" bicycle racks and circular bicycle racks or acceptable variations as determined by the Zoning Administrator with recommendation from the Director of Public Works.
 - B. Bicycle racks that are located parallel to each other shall be at least three (3) feet apart and shall allow bicycles to be locked on both sides without conflict.
 - C. Bicycle racks that are located in a linear configuration shall be at least five (5) feet apart.
 - D. Bicycle racks shall be securely anchored and shall be easily usable with u-locks and cables.
 - E. Bicycle racks shall be spaced at least two (2) feet from walls, curbs, pavement edges, or other structures.
4. **Long-term bicycle parking** shall comply with the following:
 - A. Long-term bicycle racks, which are intended for overnight parking and longer, shall be covered and weather resistant.
 - B. Long-term bicycle racks may include, but are not limited to, covered bicycle racks that meet the standards of short-term bicycle racks; or bicycle lockers or bicycle racks that meet the standards of short-term bicycle racks and are located within a parking structure or other enclosed structure.
 - C. Bicycle lockers shall be anchored in place and have an opening clearance of at least five (5) feet.
 - D. Long-term bicycle racks must be located no more than one hundred (100) feet from the building entrance that the bicycle rack is intended to serve.

Sec. 18-485. Overnight Parking of Commercial Vehicles.

1. For the purposes of this section, the term "commercial vehicle" shall include the following:
 - A. Any solid waste collection vehicle, tractor truck, tractor truck/semitrailer, tractor truck/trailer combination, dump truck, concrete mixer truck, towing and recovery vehicle with a registered gross weight of 12,000 pounds or more, and any heavy construction equipment;
 - B. Any trailer, semitrailer, or other vehicle in which food or beverage are stored or sold;

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- C. Any trailer or semitrailer used for transporting landscaping or lawn-care equipment, and whether or not such trailer or semitrailer is attached to another vehicle;
 - D. Any vehicle licensed by the Commonwealth for use as a common contract carrier or as a limousine.
2. It shall be unlawful to park any commercial vehicle in any residential zone of the Town for more than one hour in any 24-hour period, except that not more than one such vehicle which does not exceed 20,000 pounds gross weight may be parked overnight and on Saturdays, Sundays, and holidays on the property owned or leased by the vehicle owner or custodian; provided that while so parked, such vehicle shall not be moved or operated at any time to further any profit-making business or professional enterprise, and further provided that while so parked between the hours of 7:00 p.m. and 5:00 a.m., such vehicle shall not be operated nor its engine run for any purpose whatsoever, nor may such vehicle be driven from the parked location between the hours of 7:00 p.m. and 5:00 a.m.
 3. Notwithstanding the provisions of this section, any such vehicle may be parked on a residential street for more than one hour while actually being loaded or unloaded, while the custodian of any such vehicle is actively performing services in the area, or for the occupants of a residence abutting the street on which the vehicle is parked and the residence is not that of the custodian of such vehicle.
 4. The provisions of this section shall not apply to any waste collection vehicle(s) or the parking or storage of the same on street or off street in any residential zone being hereby strictly prohibited at any and all times of day or night.
 5. The restrictions, prohibitions, and limitations imposed by this section shall not apply to any vehicle, or vehicles owned or used by the Town in furtherance of its municipal purposes when such vehicles are parked on Town-owned property.
 6. It shall be unlawful to park, permit to be parked, or left standing in areas zoned for residential use, any commercial vehicle as defined herein except when such commercial vehicle is being used to pick up or discharge passengers or when temporarily parked pursuant to the performance of work or service at a particular location.

DIVISION 6. REFUSE AREAS, MECHANICAL EQUIPMENT, AND UTILITIES

Sec. 18-486. Refuse Disposal Areas.

1. Refuse collection may be handled by shared refuse collection from approved containers within an approved structure or private collection from individual units.
2. If dumpsters are used for refuse disposal, then each dumpster shall be located on a concrete pad with minimum dimensions of twenty (20) feet by twelve (12) feet and shall be enclosed by adequate walls or opaque fencing of a minimum of one foot taller than the container, and no taller than 8 feet.
3. No enclosure may be located in any required front yard, street side yard, required parking area, required landscaping area, or any other area required by law to be maintained.
4. The enclosure may consist of a solid wood fence, masonry (non-CMU) walls, or combination thereof.
5. Said areas shall protect refuse from dispersal by wind or other cause, must be kept free of litter and refuse overflow, shall be maintained closed except when loading or emptying, and shall be well drained.
6. Refuse disposal areas shall be located such that access is unobstructed and the areas are fully accessible to collection equipment, public health inspection, and fire inspection personnel without impeding traffic or encroaching upon required parking spaces.
7. Reference Chapter 13A for additional requirements for refuse storage and collection.

Sec. 18-487. Mechanical and Utility Equipment.

1. All rooftop equipment (such as air handling units, exhaust fans, and other mechanical systems and equipment) shall be placed as close to the middle of the roof as possible, to maximize the likelihood that the equipment will not be visible from the right-of-way or from adjacent properties.
2. All rooftop equipment on any building shall be fully screened from view from the right-of-way and adjacent properties by use of screening material that is consistent with the material found on the building façade.
3. Mechanical equipment located on the ground should be screened, whenever possible, with fencing, walls, mural wraps, and/or landscaping.

Sec. 18-488. Underground Utility Services.

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

DIVISION 7. SIGNS

Sec. 18-489. Purpose and Intent.

1. The intent of this division is to control all signs within the Town, to ensure that they are appropriate for their respective principal uses and in keeping with the appearance of the affected property and surrounding environment, and to protect the public health, safety, morals and general welfare. In addition, the intent of this article is to:
 - A. Encourage good design in the context of the overall image and visual environment of the Town;
 - B. Protect property values; enhance the appearance of the business and industrial community;
 - C. Stimulate the economic vitality of the Town, encourage a business atmosphere that continues to attract new enterprises to the Town, encourage trade within the Town, and to appropriately inform consumers;
 - D. Ensure that signs are adequate, but not excessive;

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- E. Prohibit the erection of signs in such numbers, sizes, designs and locations as may create danger to the public by obscuring road signs or by unsafely diverting the attention of motorists;
 - F. Prohibit signs which are likely to create unsafe conditions because of unsound structures or unsuitable locations;
 - G. Avoid excessive competition for placement of signs, so that permitted signs provide identification, direction, information and advertising while minimizing clutter and unsightliness.
2. The general premise for the control of signs includes legibility, the effective display of information, the safety of passing traffic, and the coordination of signs with buildings, landscaping and other elements of the visual environment. In particular, signs should be designed and constructed as follows:
- A. For maximum legibility, considering viewing, location and traffic conditions.
 - B. For size and dimensions, signs should be related to the frontage and setback of the building.
 - C. The setback and size of signs should give a fair exposure to all commercial buildings in a given area.
 - D. Signs should be integrated with the architecture of the buildings to which they relate, and with the nearby landscaping.

Sec. 18-490. Applicability.

- 1. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. This article shall allow a noncommercial message to be automatically displayed, whenever a commercial message is allowed to be displayed. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article, which can be given effect without the invalid provision.
- 2. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests.
- 3. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- 4. This Article does not apply to any sign placed in a public right-of-way and does not authorize or prohibit placement of any sign there.
- 5. **Exclusions.** The following are not considered signs per this ordinance. Features not considered signs are excluded from the calculation of sign area.
 - A. Federal, state, and local flags.
 - B. Street address signs.
 - C. All displays less than one and one-half (1.5) square feet in area.

Sec. 18-491. Sign Area.

- 1. **How to Measure Sign Area and Dimensions.** See § 18-903 for information.
- 2. **How to Apply Permitted Sign Area.**

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- A. Sign area for permanent building-mounted and ground-mounted signage is determined by the length of the building frontage.
 - B. All sign types count towards either the ground-mounted sign area or the building-mounted sign area.

Sec. 18-492. Sign Illumination.

- 1. All lighting for signs, both ground and building mounted, shall be provided by an external source that is shielded and directed so that only the face of the sign is illuminated.
- 2. No building mounted signs may be illuminated if they are located within fifty (50) feet of a property line adjoining a property zoned RS-10, RS-12.5 or RS-16 or a public alley that separates the proposed building from those zones.

Sec. 18-493. Sign Setbacks.

- 1. All ground-mounted sign structures must be set back from the right-of-way a distance that is at least equal to the sign height.
- 2. Signs must meet the height restrictions of § 18-467.

Sec. 18-494. Certificate of Approval Required.

- 1. All permanent sign types are required to be reviewed by the Board of Architectural Review and shall not be permitted or constructed until the Board of Architectural Review issues a Certificate of Approval. See § 18-821 for the review procedure.
- 2. Signs exempted from review by the Board of Architectural Review:
 - A. Signs that meet the requirements of a Master Sign Plan that has previously been approved by the Board of Architectural Review, and
 - B. Temporary signs, as described in § 18-498.

Sec. 18-495. Prohibited Signs.

The following signs are prohibited in all zones and districts:

- 1. Signs and/or sign structures that are erected on any property without the express written permission of the property owner or their authorized agent(s).
- 2. Signs that are a public nuisance for, without limitation, reasons of amplified sound, smoke, vapor, particle emission or objectionable odors.
- 3. Moving or rotating signs, flags, pennants, streamers, balloons, or similar devices that involve motion or rotation of any part or display.
- 4. Signs with electronic messages; changeable copy; changing color(s); flashing, blinking, or oscillating effects; that imitate movement through lighting effects; or that use video display of any kind.
Exception: As expressly permitted herein or for fuel station pricing signs in which prices are displayed continuously, with occasional changes.
- 5. Any exposed-tubing lighting arrangement.
- 6. Portable signs. Signs located on trailers, wheels, or affixed to a vehicle intended for advertising.
Exception: Business-related vehicles parked on-site with valid tags and registration.

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7. Signs that contain words, pictures, or statements that are obscene.
 8. Signs placed in the right-of-way without the expressed consent of the Town. See Town Code § 10-28.1.
 9. Signs of any type shall not be erected upon the roof of any building, except on the sides of a mansard-type roof.

Sec. 18-496. Removal of Unsafe, Unlawful, or Abandoned Signs.

1. Signs must be covered or removed once a property is abandoned or once the use for which a sign has been created and installed is no longer occupying the relevant site. See Article 8, § 18-855.6.
2. All signs and sign structures shall be maintained in good repair and in a safe and secure condition. A sign or sign structure found by the zoning administrator or their designee to be unsafe or insecure may be deemed a public nuisance, subject to the removal provisions of this Chapter.
3. All signs and sign structures shall be kept in a neat, clean and presentable condition, such that each sign information item is clearly legible. A sign found by the zoning administrator or their designee to show clear evidence of deterioration, including rust, faded colors, discoloration, holes and missing parts or information items, may be deemed a public nuisance, subject to the removal provisions of this Chapter.

Sec. 18-497. Sign Standards - Permanent Signs.

1. The total maximum aggregate sign area permitted in RMU zones is as follows:
 - A. Ground mounted signs: Twenty-four (24) square feet.
 - B. Building mounted signs: Twenty-four (24) square feet.
2. The maximum height of ground-mounted signs in RMU zones is four (4) feet.
3. **Ground-Mounted Signs.**

Ground Mounted Sign Type	Sign Area	Number Permitted
Monument	More than ten (10) square feet per sign	No count limit
Secondary Monument	Between 1.5 and 9.9 square feet per sign	No count limit
Freestanding Hanging		One (1) sign per entrance

4. **Building-Mounted Signs.**

Building Mounted Sign Type	Sign Area	Number Permitted
Wall Sign	More than ten (10) square feet per sign	No count limit
Wall Sign, Minor	Between 1.5 and 9.9 square feet per sign	No count limit
Projecting, Minor	Between 1.5 and 14.9 square feet per sign	One (1) sign per building frontage
Awning		One (1) sign per building frontage

Sec. 18-498. Sign Standards - Temporary Signs.

1. Temporary window and yard signs are permitted provided they meet the following standards:

Temporary Sign Type	Maximum Size	Maximum Duration
Window Sign	Twenty-five (25) percent of total area of single window	Unlimited
Yard Sign	Per Sign: 4 square feet Total Sign Area: 24 square feet	Sixty (60) days

2. Signs not exceeding 1.5 square feet in area are exempt from these regulations.

Sec. 18-835. Rezoning, Text Amendments, and Map Amendments.

1. **Purpose.** The Town Council may amend, supplement, or change the provisions of this Chapter, zone boundaries; or it may rezone property.
2. **Authority to Apply.** An application for rezoning of property may be made by the owner, contract owner or optionee of the property that is proposed to be rezoned, which shall be submitted to the Town Council. An applicant who is a contract owner or optionee must, as part of the application, submit a document signed by the owner, with contact information of that owner, indicating consent with the application.
3. **Application and Review Process.**
 - A. **Completeness and Compliance.** Applications for Rezoning, Text Amendments and/or Map Amendments are reviewed by the Director of Planning and Zoning, the Director of Public Works, the Director of Parks and Recreation, and the Zoning Administrator for completeness and compliance with all applicable requirements of the Town Code.
 - B. **Application deemed complete.** Once the Director of Planning and Zoning and the Zoning Administrator deem the application complete and compliant, the application and supporting materials are transmitted to the Planning Commission.
 - C. **Public Hearing Date set by Town Council.** The Town Council shall set the public hearing date for consideration of the application.
 - D. **Public Hearing and Recommendation by Planning Commission.**
 - i. The Planning Commission may include in its recommendations additional or amended proffers from the applicant. Additional or amended proffers must be signed by all property owners or their authorized representatives and must be submitted to the Planning Director at least forty-eight (48) hours before the hearing on the application. The Planning Commission may waive or modify the forty-eight (48) hour minimum time period by a majority vote.
 - ii. If the Planning Commission does not make a recommendation on the proposed rezoning within one hundred (100) days after the first meeting of the Planning Commission after the proposed amendment has been referred to the Planning Commission, the application will be deemed to be recommended for approval, unless the application is withdrawn.
 - iii. Before taking any action on any proposed amendment, supplement, change, or rezoning which has been initiated by itself or a property owner, the Town Council shall receive a recommendation and report from the Planning Commission.
 - E. **Public Hearing and Final Decision by Town Council.**

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- i. After receipt of the Planning Commission's recommendation, the Town Council shall hold a public hearing on the proposed amendment, supplement, change or rezoning.
 - ii. Notice of said hearing shall be accomplished as prescribed in Division 5.
 - iii. The Town Council has the authority to make the final decision on all applications for rezonings, text amendments and map amendments. The decision on the application must be one of the following:
 - a. Approval of the application as submitted;
 - b. Approval of the application subject to additional or amended proffers from the applicant;
 - c. Disapproval of the application;
 - d. Remand of the application back to the Planning Commission for further consideration; or
 - e. Other action consistent with the Code of Virginia.
 - iv. In determining whether to adopt or disapprove any proposed amendment, supplement, change, or rezoning, the Town Council may consider many factors consistent with the Code of Virginia, including whether and to what extent the proposal:
 - a. Is consistent with the goals and policies of the comprehensive plan and other applicable Town-adopted plans and planning documents;
 - b. Fulfills any other appropriate land use or zoning purposes or any other relevant purpose permitted by law;
 - c. Is not in conflict with any provision of this Chapter, the Town Code, and the Code of Virginia; and
 - d. Is required by the public necessity, convenience, general welfare, or good zoning practice.
 - v. **Effect of Protest of Rezoning and Map Amendments on Council Vote.** If a valid protest is received against a proposed rezoning and map amendment application, the Town Council must make a favorable vote of two-thirds ($\frac{2}{3}$) of the Town Council quorum present to approve the application. See § 18-835.5.
- F. **Appeals.** The decision of the Town Council may be appealed to the Fairfax County Circuit Court.
- G. **Reapplication for rezoning.** No application for any change to the same or a less restricted classification of zoning of the same lot, plot, parcel, or portion thereof, shall be considered by the Town Council and the Planning Commission within twelve (12) months of the final action of the Town Council upon the prior application. This provision, however, shall not impair the right of the Town Council to propose a change of zoning on its own motion.
4. **Proffers and Conditions of Approval.**
- A. Proffered conditions may include any statement, plan, and other materials that are submitted with a rezoning application and referenced in a written statement signed by the applicant, all owners, and any contract purchaser(s), and accepted by the Town Council in conjunction with the approval of a rezoning.
 - B. Conditions of approval must comply with the following requirements:
 - i. Only conditions proffered by the applicant and accepted by the Town Council upon approving the application become part of the zoning requirements for those identified properties. The Town Council may accept some or all of the proffered conditions.
 - ii. Conditions may include text, plans, drawings, and maps.

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- iii. The rezoning itself must give rise for the need for the conditions.
 - iv. Conditions shall have a reasonable relation to the zoning.
 - v. Conditions may include a cash contribution to the Town in accordance with the Virginia State Code. Cash proffers may be used for any public improvements consistent with the Town's adopted Capital Improvement Plan and/or goals set forth in the Town's Comprehensive Plan to address transportation and other public facility needs and impacts.
 - vi. Conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the Town's subdivision, site plan or other Town ordinances.
 - vii. Conditions may include payment for or construction of off-site improvements to address transportation and public facility impacts that are not already provided for in the Town's subdivision or site plan ordinances.
 - viii. Except for off-site transportation and public facility improvements, no condition shall be proffered that is not related to the physical development or physical operation of the property.
 - ix. All such conditions shall be in conformity with the comprehensive plan.
 - x. The conditions must not be used for the purpose of discrimination in housing.
 - xi. The conditions must not be less restrictive than the standards of the corresponding base zoning district, any applicable overlay zoning district standard, or other applicable requirements of this Chapter.

C. Enforcement of Proffered Conditions.

- i. The Zoning Administrator is vested with authority to administer and enforce proffered conditions. This authority includes the ability to remedy, by written order, any noncompliance with a proffered condition and the ability to bring legal action to ensure compliance.
- ii. The Zoning Administrator or the Zoning Administrator's designated agent may require:
 - a. A guarantee, satisfactory to the Town Council, in an amount sufficient to cover the construction cost of any physical improvements required by the proffered conditions; or
 - b. A contract for the construction of such improvements and the contractor's guarantee, in like amount, which may be reduced or released by the Council or agent of the Council, with satisfactory evidence that the improvements have been constructed in whole or in part.
- iii. Failure to meet or comply with any proffered condition is sufficient cause to deny the approval of a subdivision plan or site plan, and the issuance of any permits, including building permits and Certificates of Occupancy, as the Zoning Administrator may deem appropriate.
- iv. Any person aggrieved by a decision of the Zoning Administrator regarding any proffered condition may appeal that decision to the Board of Zoning Appeals. The appeal must be filed within thirty (30) days from the date of the decision being appealed by filing with the Zoning Administrator and the Clerk to the Board a notice of appeal specifying the grounds on which aggrieved.

- D. An application for rezoning, text amendment or map amendment must be acted upon and a decision made within a reasonable time, which must not exceed twelve (12) months from the date of acceptance of the completed application unless the application is withdrawn or the applicant requests or consents to action beyond such period.

5. Protest of Rezoning and Map Amendments.

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- A. **Ability to Submit Protest.** A protest against any proposed change of zone boundaries or rezoning of property may be submitted by twenty-five percent (25%) or more of either of the following:
- i. The owners of lots included within the area of the proposed change; or
 - ii. The owners of lots abutting the area included in such proposed change, and the owners of lots directly opposite the area included in such proposed change, where such area abuts upon a street.
- B. **Petition Under Oath.**
- i. The owner(s) of any lot(s) submitting any such protest petition shall execute such protest petition under oath that they are the legal owner(s) or authorized representative(s) of any such owner(s).
 - ii. If the owner(s) of any lot is a corporation or condominium, the petitioner shall submit the appropriate documentation demonstrating he/she is the authorized representative for the owner(s).
- C. **In Hard Copy.** A protest petition must be received in hard copy by the Town Clerk, containing all of the required information and signatures. Digital versions may be requested.
- D. **Petition Deadline.** A protest petition must be received by the Town Clerk no later than 12:00 noon on the working day before the day of the first public hearing on the application or motion is first conducted by the Town Council.